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THE WESLEY BICENTENNIAL.

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JOHN WESLEY was born on June 17th (Old Style), 1703. The correction necessitated by the change from Old Style to New Style will place the bicentennial celebration of his birth on Sunday, June 28th, 1903. His life was well-nigh co-extensive with the eighteenth century, as he died on the 2nd of March, 1791.

He was descended on both sides from earnestly religious ancestors, who were ready to labor and to suffer for what they regarded as the truth, some of them in the Established Church of England, some in the ranks of the Dissenters. The influence of such ancestors, and especially of his parents, reveals itself in the early piety of the boy. When eight years old, he was admitted to the communion by his father, the strict and conscientious rector of Epworth. He entered Oxford University in 1720, and six years later was made a Fellow. In 1727, he left Oxford to serve for a short time as curate at Epworth, assisting his father, the rector. In 1729, he returned to Oxford, and resumed the duties of his Fellowship. He became associated with his brother and a few other members of the University in the "Holy Club," and was at once recognized as the leading spirit in the company. In 1735, the two Wesley brothers went to Georgia on a mission to

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the Indians. The mission proved unsuccessful, and its history is of little importance excepting as a part of the experience by which the Wesley brothers were prepared for the great work that awaited them. They returned to England in 1737. On the voyage to Georgia, the Wesleys became acquainted with a number of Moravians. These simple Christians had received the tradition of the cardinal doctrines of the Reformation, not primarily from Luther, but from the earlier teaching of John Huss and Jerome of Prague. Their influence upon the life and thought of the Wesleys was of immense importance.

Down to this time, John Wesley was an ascetic moralist and a punctilious ritualist, vainly seeking for inward peace. His deliverance from the sense of bondage came on the 24th of May, 1738. The story may best be told in his own words:

"In the evening I went to a society in Aldersgate Street, where one was reading Luther's Preface to the Epistle to the Romans. About a quarter before nine, while he was describing the change which God works in the heart through faith in Christ, I felt my heart strangely warmed. I felt I did trust in Christ, Christ alone, for salvation; and an assurance was given me that he had taken away my sins, even mine, and saved me from the law of sin and death."

John Wesley had rediscovered the Lutheran, the Pauline, doctrine of justification by faith. It is a profoundly interesting fact that the revelation came to him in the reading of Luther's Preface to St. Paul's great Epistle. The relation of these three great reformers is a true apostolic succession. In his new-found faith and joyous enthusiasm, John Wesley was ready to lead in a mighty work of evangelism.

It is a curious fact that the man who was destined to revolutionize the religious life of the English-speaking world was a man of extremely conservative temper. He cherished an intense affection for the great historic Church of England in which he had been reared, and an almost superstitious veneration for all her forms and usages. It was only when the pulpits of the Establishment were closed against him and his fellow-evangelists, that they began to preach out of doors; and it was with extreme reluctance that John Wesley followed the example of Whitefield in this innovation. He says himself:

"I could scarce reconcile myself at first to this strange way of preaching in the fields, having been all my life (till very lately) so tenacious

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of every point relating to decency and order, that I should have thought the saving of souls almost a sin if it had not been done in a church."

The stickler for "decency and order," having at last overcome his scruples, preached his first sermon in the open air, on the 2nd of May, 1739, to an audience of three thousand people near Bristol. The previous evening he had expounded the Sermon on the Mount, which he naïvely characterized as a "pretty remarkable precedent of field-preaching." Thereafter, he was ready to preach wherever he could find a hearing.

It was with equal reluctance that this conservative revolutionist adopted the innovation of lay preaching. As converts multiplied in his evangelistic labors beyond the power of himself and the few ordained ministers among his associates to care for them, it was inevitable that they should be confided to the care of pious laymen; but, while these laymen were to administer Christian counsel, they were not by any means permitted to usurp the functions of the ministry. But the line that separates exhortation and exposition of Scripture from preaching is a rather shadowy one, and in 1742 Thomas Maxfield, one of the lay helpers, began to preach in London. Wesley was at first disposed to forbid the innovation, but yielded to the sagacious counsel of his mother. "John," said the wise Susanna, "take care what you do with respect to that young man, for he is as surely called of God to preach as you are. Examine what have been the fruits of his preaching, and hear him yourself." Wesley heard Maxfield, and was convinced. Thenceforward the unordained order of lay preachers came to be the main part of his evangelistic force.*

In 1744, the first Conference of the evangelists was held, and from that time to this the name "Conference" has been applied to ecclesiastical assemblies in the various branches of Methodism. These Wesleyan Conferences were by no means deliberative bodies; autocratic, rather than democratic, was the constitution of the new religious body. It was in truth a "Salvation Army," and John Wesley by common consent was its commander-in-chief. Like the centurion in the Gospel, he said to this man, "Go," and he went, and to another, "Come," and he came; but, unlike the

* Tyerman ("Life and Times of John Wesley," Vol. I., p. 275) asserts that John Cennick preceded Maxfield in preaching. This is very likely true. The important fact is, not that Maxfield preached, but that Wesley recognized and tolerated his preaching, and made it the beginning of a new method of evangelistic work.

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centurion, he was not "a man under authority," for he recognized no superior officer this side of heaven.

In 1784, admonished by advancing age that this autocratic government of Methodism must soon cease, Wesley took measures for the permanent organization of the work in England and in America. By a "Deed of Declaration," he conveyed the chapels and other property of the Methodist body to a committee of one hundred of his preachers, providing in the Deed for the perpetuation of the body, and defining their authority. In the same year he ordained Thomas Coke as Superintendent, or Bishop, of the churches in America.

From the beginning of the great revival to the death of John Wesley was a period of rather more than half a century. The record of Wesley's evangelical labors during that time has no parallel since the time of St. Paul. After his return from Georgia, he is said to have preached 42,400 sermons, an average of more than fifteen per week. No form of opposition daunted him or checked his course. He pursued his way, unintimidated by mobs, magistrates, or bishops. The story of that half-century may be summed up, almost without change, in the words in which St. Paul sets before the Corinthians the story of his toil and struggle for the faith:

> "In journeyings often, in perils of waters, in perils of robbers, in perils by mine own countrymen, in perils in the city, in perils in the wilderness, in perils among false brethren; in weariness and painfulness, in watchings often, in hunger and thirst, in fastings often; besides those things that are without, that which cometh upon me daily, the care of all the churches."

The closing years of that career were a genuine triumph. The man whose name had been cast out as evil was, perhaps, the most honored man in England. The churches of the Establishment, which had excluded him from their pulpits, and sometimes even refused to receive him as a communicant at the altar, were glad to welcome him. Crowds gazed upon him in veneration in the cities where mobs had threatened his life. And little children waited in the streets for his blessing.

The most obvious result of the work of Wesley and his associates, was the founding of those religious societies which developed into the Methodist churches of the English-speaking world. At

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his death, the Methodist societies in Europe counted 294 preachers and 71,688 members; in America, 217 preachers and 48,565 members. The Methodist churches now number nearly eight million members; and, if we include with actual members those who are, more or less definitely, adherents of Methodist churches, the number of "the people called Methodists" may be estimated as not far from twenty-five million.

It is, however, one of the curious contradictions of history that the founder of one of the most numerous denominations of the modern church had no thought of founding a new sect. The great religious revolutionist remained at heart conservative to the end of his life. No neglect nor persecution could dampen the intense affection which John Wesley felt for the Church of England. Between his conservatism and his loyalty to the Established Church, on the one hand, and his practical sense of the exigencies of the great religious movement, on the other hand, he fell into inconsistencies; but it is doubtful whether any great practical reform was ever carried to its completion on a plan logically consistent. As late as 1787, Wesley wrote, "I still think, when the Methodists leave the Church of England, God will leave them." Yet, three years before, Wesley had ordained Coke as Superintendent of the work in the United States—an action which resulted in the organization of the Methodist Episcopal Church; and only two years after this utterance of deprecation of withdrawal of the Methodists from the Church of England, he took the still more revolutionary step of ordaining Alexander Mather as Superintendent for England. It was in 1787 that he adopted the plan of protecting his chapels from liabilities under the law by having them all licensed under the provision of the statute "for exempting Protestant subjects, dissenting from the Church of England, from the penalties of certain laws." Before this date, he had allowed some chapels to be licensed in what seemed to be cases of necessity. But he had opposed the general adoption of the policy, on the ground that it savored of separation from the Established Church. The new policy was adopted in 1787, in accordance with the views of his legal adviser. The reformation had indeed outgrown the designs of its leader.

The Methodist societies were not intended to be churches. The relation which they were intended to bear to the Church of England may be compared with that of the Jesuits and other mis-

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sionary orders to the Roman Catholic Church, or with that of the Moravian society of Zinzendorf to the Protestant Church in Germany, or with that of the Societies of Christian Endeavor to various Protestant churches in recent times. While they were composed chiefly of people who owned allegiance to the Church of England, Dissenters were also welcomed to their membership. They were to be *ecclesiolae in ecclesia*. As the societies were formed purely for practical religious work, and the members of them retained their relation to the Establishment or to the Dissenting bodies, the societies had no creed. The "General Rules," which were the basis of their fellowship, and which are still lovingly cherished among the most sacred landmarks in the books of discipline of the Methodist Churches of to-day, were rules of practical conduct.

The catholicity of these societies as regards dogma is thus set forth by Wesley himself:

"They do not impose, in order to their admission, any opinions whatever. Let them hold particular or general redemption, absolute or conditional decrees. They think and let think. One condition and one only is required—a real desire to save their souls. They ask only, 'Is thy heart even as my heart? If it be, give me thy hand.' Is there any other society in Great Britain or Ireland that is so truly of a catholic spirit? Where is there such another society in the habitable world? I know none."

Again he says:

"You cannot be admitted into the church or society of the Presbyterians, Anabaptists, Quakers, or any others, unless you hold the same opinions with them and adhere to the same mode of worship. The Methodists alone do not insist on your holding this or that opinion."

One more quotation from Wesley may be given here:

"I have no more right to object to a man for holding a different opinion from me than I have to differ with a man because he wears a wig and I wear my own hair. But if he takes his wig off and begins to shake the powder about my eyes, I shall consider it my duty to get quit of him as soon as possible."

Was there ever a better definition of heresy than is found in this last quotation? Not the wearing of a theological wig of any particular color, but the shaking of the powder in the eyes of the church, is heresy. That man is orthodox who can work harmoniously and loyally with his brethren in the evangelistic and

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philanthropic labors of the church. The catholicity of Wesley's own spirit was remarkable. He published in his "Arminian Magazine" the biography of a Unitarian saint as an example to his people. He translated or edited works of Roman Catholics for his "Christian Library." He thought the arch-heretics, Montanus and Pelagius, were probably among the holiest men of their times.

The Methodist societies inevitably became churches. In the United States, the Methodist Episcopal Church assumed a definite organization in 1784. The Atlantic Ocean and the Declaration of Independence made it comparatively easy for American Methodists to recognize themselves as distinct from the Church of England. In England, the Methodist societies never, by any definite and formal act, separated from the Church of England, but came gradually to a recognition of the fact that a real separation had been imperceptibly accomplished. But, though the societies have become churches, and a group of new ecclesiastical denominations have been organized, it has been the glory of Methodism in all its history that it has emphasized, not dogma, nor polity, nor ritual, but Christian life.

The Wesleyan movement was not the development of a new theology. Its inspiring principle was essentially the Pauline and Lutheran doctrine of justification by faith. John Wesley himself was certainly not a great theologian. His tendency was practical rather than theoretical. Apart from the fervor of his Christian life and the intensity of his evangelistic zeal, the qualities that contributed most to the success and permanence of the Wesleyan movement were the qualities of the man of affairs rather than those of the thinker. Macaulay ascribes to John Wesley a "genius for government not inferior to that of Richelieu." Buckle characterizes him as "the first of theological statesmen." Leslie Stephen says of him, "No such leader of men appeared in the eighteenth century." Coleridge characterizes Wesley as more logical than philosophical, and Isaac Taylor characterizes him as more intuitional than philosophical. Both these statements seem to be just. His opinions were formed, sometimes by a sort of intuitive common sense, sometimes under the influence of some particular line of argument which appeared to him conclusive. Opinions which he had adopted he could defend with incisive logic. But his was not the philosophical temper, which surveys the whole field of co-ordinated subjects, judicially weighs all kinds

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of evidence, and develops broad and consistent systems of thought. In these qualities and the limitations which they involve, Wesley reminds us of those two earlier reformers who constituted his spiritual ancestry, St. Paul and Luther. Wesley's exposition of the doctrine of sanctification, or Christian perfection, which may be considered, perhaps, his chief contribution to dogmatic theology, involves some pretty bad psychology and equally bad exegesis. If he had been a deeper thinker, he would have realized that the Arminian theology is not, any more than the Calvinistic, a complete solution of the problems and mysteries of the ages. But Wesley's theology, if not very profound nor very philosophical, had at least the merit of being practical. It was a theology that could be preached. It presented the great characteristic truths of Christianity in such shape as to make them intelligible to the common people, and serviceable as the inspiration of Christian life. "Our main doctrines," said Wesley, "which include all the rest, are repentance, faith, and holiness. The first of these we account, as it were, as the porch of religion, the next the door, the third religion itself."

As has been already said, the last thing which Wesley desired was to be the founder of a sect; yet it is doubtless as the founder of a sect that he is chiefly known. But this obvious and popular view of the Wesleyan movement is very far from being the true one. John Richard Green presents a truer view, in his "History of the English People," when he tells us: "The Methodists themselves were the least result of the Methodist revival."* The Wesleyan revival transformed the moral and religious character of the people of England. It is difficult now to realize the practical irreligion and the gross immorality which characterized the English people before the Methodist field preachers, like "one crying in the wilderness," called the nation to repentance.

The influence of Puritanism, indeed, survived in the middle class, though it seemed well-nigh dormant even there. It was from that class, wherein lingered somewhat of the spirit of the Puritan reformation, that the Wesleyan revival took its origin. But the great historian already cited has painted the picture of the irreligion and immorality which degraded the life alike of rich and poor:

"During the fifty years that preceded this outburst [the Wesleyan

* Vol. IV., p. 147.

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revival] we see little save a revolt against religion and against churches in either the higher classes or the poor. Among the wealthier and more educated Englishmen, the progress of free inquiry, the aversion from theological strife which had been left behind them by the Civil Wars, the new political and material channels opened to human energy, were producing a general indifference to all questions of religious speculation or religious life. In the higher circles, 'every one laughs,' said Montesquieu on his visit to England, 'if one talks of religion.'* Of the prominent statesmen of the time, the greater part were unbelievers in any form of Christianity, and distinguished for the grossness and immorality of their lives. Drunkenness and foul talk were thought no discredit to Walpole. A later Prime Minister, the Duke of Grafton, was in the habit of appearing with his mistress at the play. Purity and fidelity to the marriage vow were sneered out of fashion; and Lord Chesterfield, in his letters to his son, instructs him in the art of seduction as part of a polite education. At the other end of the social scale lay the masses of the poor. They were ignorant and brutal to a degree which it is hard to conceive, for the increase of population which followed on the growth of towns and the development of commerce had been met by no effort for their religious or educational improvement. Hardly a single new church had been built. Schools there were none, save the grammar-schools of Edward and Elizabeth. The rural peasantry, who were fast being reduced to pauperism by the abuse of the poor-laws, were left without much moral or religious training of any sort. Within the towns things were worse. There was no effective police; and in great outbreaks the mob of London or Birmingham burnt houses, flung open prisons, and sacked and pillaged at their will. The criminal class gathered boldness and numbers in the face of ruthless laws which only testified to the terror of society, laws which made it a capital crime to cut down a cherry-tree, and which strung up twenty young thieves of a morning in front of Newgate; while the introduction of gin gave a new impetus to drunkenness. In the streets of London gin-shops at one time invited every passer-by to get drunk for a penny, or dead drunk for twopence.

Much of this social degradation was due, without doubt, to the apathy and sloth of the priesthood. A shrewd, if prejudiced, observer, Bishop Burnet, brands the English clergy of his day as the most lifeless in Europe, 'the most remiss of their labors in private and the least severe of their lives.' . . . A Welsh bishop avowed that he had seen his diocese but once, and habitually resided at the lakes of Westmoreland. The system of pluralities, which enabled a single clergyman to hold at the same time a number of livings, turned the wealthier and more learned

* Bishop Butler says in the Advertisement to his "Analogy of Religion": "It is come to be taken for granted by many persons that Christianity is not so much as a subject of inquiry; but that it is now at length discovered to be fictitious." A writer on Apologetics today would not be likely to write in the apologetic tone of this Advertisement.

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of the clergy into absentees, while the bulk of them were indolent, poor, and without social consideration."*

Let the same historian tell us the story of the transformation of the English Church and of the life of the English People wrought by the Wesleyan movement:

"Its action upon the Church broke the lethargy of the clergy; and the 'Evangelical' movement, which found representatives like Newton and Cecil within the pale of the Establishment, made the fox-hunting parson and the absentee rector at last impossible. In Walpole's day, the English clergy were the idlest and the most lifeless in the world. In our own day, no body of religious ministers surpasses them in piety, in philanthropic energy, or in popular regard. In the nation at large appeared a new moral enthusiasm, which, rigid and pedantic as it often seemed, was still healthy in its social tone, and whose power was seen in the disappearance of the profligacy which had disgraced the upper classes, and the foulness which had infested literature, ever since the Restoration. A new philanthropy reformed our prisons, infused clemency and wisdom into our penal laws, abolished the slave trade, and gave the first impulse to popular education."†

To the awakening of a new religious life in the mass of the English people it is doubtless, in large measure, due that England was saved from a cataclysm like that which, at the close of the eighteenth century, overwhelmed alike all institutions of church and state in France.

In the United States, as in England, it is doubtless true that the indirect influence of Methodism upon the life of the people, through the medium of other churches, has been more important than the direct influence of the Methodist churches. All religious historians recognize the end of the eighteenth century as characterized by a widely prevalent disbelief or neglect of religion. In the higher tone of Christian life which soon began to manifest itself in all the churches of the United States, may doubtless be seen the effect of many different influences; but surely among the most important of these is the influence of Methodist evangelism. Whitefield, the great representative of Calvinistic Methodism, had found a sympathetic hearing in the Calvinistic churches in his visits to America; and the revivals which in many places attended his preaching were not without permanent fruit.

* "History of the English People," Vol. IV., pp. 119—121.

† *Op. cit.*, Vol. IV., p. 147.

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But far more potent in its influence upon the religious life of the nation was the evangelistic work of Arminian Methodism under the lead of Francis Asbury.

Not only has there been manifested in general a warmer tone of religious feeling and a more vigorous Christian life in all the churches of the English-speaking world, but the life of all the churches has taken on, in greater or less measure, the special traits which were characteristic of the Wesleyan movement. The subordination of creed to life, which was a fundamental character of the Wesleyan movement, is characteristic of the later history of all branches of the Christian Church. The growing catholicity of feeling reveals itself in various forms of interdenominational comity, and particularly in such movements as the Federation of Churches.

Another idea which was emphasized by the Wesleyan revival, and which is rapidly becoming the possession of the church universal, is that of the religious activity of the laity. The army of evangelists which John Wesley directed in that campaign of a half-century, was chiefly an army of lay preachers; and the work of the preachers was sustained and made fruitful by the work of a larger force of class-leaders, and by the activity of individual members, male and female. A Sunday-school was started by a Methodist woman, Hannah Ball, twelve years before the school of Robert Raikes was opened in Gloucester. It was another Methodist woman (afterward the wife of the Methodist preacher, Samuel Bradburn) who suggested the idea to Robert Raikes. His school was opened in 1781. In 1784 he published an account of the new scheme of philanthropic work; and in January, 1785, Wesley republished his article entire in the "Arminian Magazine," and "exhorted his people to adopt the new institution."† The new institution was, indeed, eminently in harmony with the spirit of Methodism. Wesley writes as early as 1784, "I find these schools springing up wherever I go. Perhaps God may have a deeper end therein than men are aware of. Who knows but some of these schools may become nurseries for Christians?"* Women as well as men were enlisted in religious work in the

* Stevens, "History of Methodism," Vol. II., p. 484.

† The original Sunday-schools were established to reclaim and civilize the children of the street. The formation of Sunday-schools for the children of the church is a later evolution.

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Wesleyan movement. In a few exceptional cases, women became preachers. A noble instance was Elizabeth Evans, the original of Dinah Morris in George Eliot's "Adam Bede." Surely nothing is more characteristic of the life of the church universal in recent times than the realization of the Protestant conception of the universal priesthood of believers in the active participation of the laity in Christian work. Sunday-schools and Societies of Christian Endeavor, Young Men's and Young Women's Christian Associations, and manifold forms of home missionary enterprise, bear witness to the religious activity of both sexes and of all ages and all classes in the church.

The evangelistic zeal and the tendency to effective organization characteristic of the Wesleyan movement, stand in close relation to the formation of the great societies for special phases of religious work which are so important in the life of the modern church. A society for the distribution of the Bible was organized by a small company of Methodists as early as 1779—The Naval and Military Bible Society. A leading patron of this society was John Thornton, the father of Henry Thornton, whose hospitable home at Clapham was the headquarters of the group of philanthropists who founded the British and Foreign Bible Society in 1804. The first impulse, indeed, toward the formation of the latter society came from the Welsh Methodist preacher, Thomas Charles. It was in 1782 that Wesley and Coke organized the Society for the Distribution of Religious Tracts among the Poor. This was seventeen years before the date of the more famous Religious Tract Society. The founder of that society, George Burder, was a Congregational minister, who had been led into his career of Christian work by the Methodists Whitefield and Fletcher. The spirit which made Wesley recognize the world as his parish was essentially the missionary spirit. That spirit led the men who had felt the inspiration of the Methodist revival to be among the pioneers in missionary organization. Mellville Horne, who united with the Wesleyan Conference in 1784, but who soon passed from the Wesleyan itinerant ministry into the service of the Established Church, and whose experience as a chaplain in Sierra Leone gave him a profound impression of the needs of the heathen world, was one of the most influential men in the agitation which led in 1795 to the establishment of the London Missionary Society. The "good men of Clapham," who

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organized the Church Missionary Society, "were the sons, by natural or spiritual birth, of men who, in the earlier days of Methodism, had shaken off the lethargy in which till then the Church of England had been entranced."*

Nor was it alone in matters professedly religious that the effect of the Wesleyan movement was seen. Priestley declares: "Methodism has not only Christianized but civilized that part of the nation which had been overlooked by a clergy too careful of its dignity." The spirit of the Wesleyan movement may be characterized, as the brilliant author of "Ecce Homo" has characterized the spirit of Jesus Christ, as "the enthusiasm of humanity." When the Methodist evangelists were excluded from the pulpits of the Established Church, they preached in jails, they ministered to the victims of a Draconian penal code on the way to the gallows, they carried the message of forgiveness and peace and hope where sin was vilest and where sorrow was most intense. In the progress of the revival the public mind was awakened to a profound sympathy with the oppressed and the degraded. This "enthusiasm of humanity" soon worked a reformation in that murderous penal code, which had served, not to curb, but to render more ferocious the evil passions of man. John Howard was the friend of John Wesley, and gratefully acknowledged the inspiration received from Wesley's words and life. His noble career of philanthropy was an expression of one phase of the spirit of the great revival. The legislative reforms by which the physical and moral welfare of the poor and the helpless has been protected against the greed of capital and the temptations of vice, the regulation of hours and conditions of labor, the safeguarding of those engaged in perilous occupations, the restriction of the traffic in intoxicating liquors, are among the fruits of the philanthropic spirit which sprang to life in the great religious revival. The "good men of Clapham" not only organized Bible and Tract and Missionary Societies, but achieved the suppression of the African slave trade and the abolition of slavery in the English colonies. Their influence was felt in multitudinous minor reforms in industrial, social, and political life. The last letter written by the trembling hand of John Wesley, the aged, was a letter of encouragement to William Wilberforce in his struggle against slavery.

* Sir James Stephen, in *Edinburgh Review*, Vol. LXXX., p. 259.

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Wesley himself was a pioneer in various lines of social reform. His was the first important effort to supply the people with a cheap and wholesome literature. During his long and laborious life, he gave to the press 371 publications, written or edited or translated or abridged by himself. Down to the year 1756, two-thirds of his publications bore a price of less than one shilling, and more than a quarter of them were sold for a penny.

Wesley established the first dispensary. The conception of the enterprise showed a sagacious appreciation of a public need, though it was certainly not an unmixed good to subject the sick poor to some of the crude methods of treatment prescribed in Wesley's "Primitive Physick."

Another of Wesley's schemes of practical philanthropy was a loan fund for the relief of the temporary embarrassments of the honest and industrious poor. In one year's work of this modest, but very useful, institution, two hundred and fifty persons were aided by loans, though the total capital was only fifty pounds. The Strangers' Friend Societies, for the relief of the poor, the sick, and the friendless, without distinction of nationality or creed, which were first definitely organized by Wesley in 1790, have proved to be among the most effective charitable associations in England.

A popular lecturer has recently remarked that our age and every age needs "not a new gospel, but the gospel anew." Amid the profligacy of the rich, and the squalor and degradation of the poor, and the worldliness and powerlessness of the National Church, the England of the eighteenth century needed "not a new gospel, but the gospel anew"; and it was that which came to her in the Wesleyan revival. In the subordination of dogma to life, in the recognition of the universal priesthood of believers, in the individual sense of responsibility for the salvation of men, in the "enthusiasm of humanity," and the multitudinous philanthropies to which that enthusiasm prompted, the Wesleyan movement was not new, but old. It was a revival of the Christianity of the Apostles, the Christianity of the Christ.

Of that great religious movement, John Wesley was truly the leader. Whitefield was a more impressive preacher, Charles Wesley a sweeter singer, and many another worker contributed his quota of intellectual and moral and spiritual power, without which the total result of the movement would have been less than it has

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been. But John Wesley—evangelist, scholar, poet, ecclesiastical statesman, practical philanthropist—represented in his own person not one phase but all phases of the great revival of the eighteenth century. The whole spirit of the movement seems incarnate in him. Rightly, then, will "the people called Methodists," on both sides of the Atlantic, gratefully celebrate the two hundredth anniversary of John Wesley's birth. If he were only a founder of a sect, the members of that sect alone might be interested in that celebration; but, in the spirit which to-day, more fully than at any time since the apostolic age, enables all the followers of the Man of Nazareth to declare in unison their belief in one Holy Catholic Church, the lovers of God and man under every variety of name and creed can recognize John Wesley as one of the saints of the church universal, and gratefully rejoice in the service which he was permitted to render toward the upbuilding on earth of the Kingdom of Heaven.*

WILLIAM NORTH RICE.

* Among the many celebrations of the Wesley Bicentennial, none, perhaps, will be more important, none more fully representative of the manifold phases of the Wesleyan movement, than that which is to be held in Wesleyan University. A university is, indeed, a fit place for the celebration of a religious movement that commenced in Oxford. Of all the institutions of higher education in this country under Methodist patronage, Wesleyan University is the one which is the oldest, and has been most influential upon the thought and life of the church and the nation. In that celebration, the ecclesiastical and religious results of the Wesleyan movement will be discussed by the Rev. W. F. McDowell, D.D., Secretary of the Board of Education of the Methodist Episcopal Church, and by the Rev. George Jackson, of Edinburgh. The character of Wesley as a man will be set forth by Professor C. T. Winchester, of Wesleyan University; and the place of John Wesley in history will be discussed by President Woodrow Wilson, of Princeton University. In such a celebration, limited in its programme by neither national nor denominational lines, the manifold phases of the Wesleyan movement may find worthy commemoration. If the four principal addresses shall be published, as is likely, in a memorial volume, it will be a valuable contribution to the history of religion and civilization.

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ENGLAND'S COLONIAL SECRETARY.

BY THE RT. HON. LORD COLERIDGE, K.C.

It is difficult to do justice to a political opponent—difficult, but not impossible. If I fail, it will be in spite of an honest desire to succeed. Success is not made more easy by the fact that those who now differ from Mr. Chamberlain once followed and believed in him, and are the subjects of those unrestrained attacks which have always characterized his controversial methods.

His public life began in the Municipality of Birmingham. There exists no better training ground for the politician, if parochial matters are not allowed to weaken that grasp of great principles and that sympathy with great ideals which alone can make a man the creator and fashioner of a nation's policy.

The government of a municipality may be ruled by party, or it may not. If not, the only reason for voting for one candidate rather than for the other is personal predilection. Personal predilection soon degenerates into personalities, and the work of the town is marred. Mr. Chamberlain believed and taught that if you were a good Liberal you were a better town-councillor than if you were a Conservative. The principles which he was prepared to stand by in political life, he desired to guide him and his supporters in the more confined area of municipal activity. He fought his way up on these lines, and became Mayor of Birmingham during three successive years, 1873-4-5. He supplied the town with municipal water and gas, remodelled the drainage system, cleared out slums, and amply justified the view he took of municipal action.

But, even in these early struggles, the personal element ran side by side with the political. Stand by Mr. Chamberlain, and he would stand by you, through evil report and good report; no man was ever more stanch to his friends. But oppose him, and

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the matter became personal at once. You were simply an opponent to be crushed.

At this time his principles were those of an advanced Radical. Clearly enounced, staggering in their thoroughness, his views attracted and repelled with equal force. It was like the man that his first effort at Sheffield to get into Parliament was an attack on the seat of Mr. Roebuck, nominally a member of his own party, but really an "Independent" politician who could not be depended upon! It is asserted that the new candidate advocated among other things Home Rule for Ireland. It may be so, but the subject had not been thought out, and his sympathies for the Irish may have led him further than upon reflection he would have been prepared to go. He failed, and it was well for him, for in 1876 he was returned for Birmingham, for which place he has ever since sat.

He brought with him into the House of Commons a complete mastery of the subjects which he discussed, and although wisely silent his first session he soon obtained the ear of the House.

For Parliamentary debate he was singularly adapted. He made strict business attractive. The House of Commons pardons flights of rhetoric only in the rarest instances, and is grateful for well-furnished argument from a well-furnished mind, especially when the delivery is free, the voice musical, and the speaker speaks from apparent conviction. He rose rapidly into a prominent position. Mr. Chamberlain and Sir Charles Dilke were soon considered to be the two champions to whom the Liberal Party was to look when the veteran gladiators should receive their sword of lath. So far did he carry this desire, as a Radical, to free the Liberal Party from the fetters he conceived had been placed about it by the more Whiggish of its leaders, that he alluded on one occasion to the Marquis of Hartington, who, on the temporary retirement of Mr. Gladstone, had been elected to marshal its forces, as "the noble lord once the leader of the Liberal Party." As Mr. Gladstone was once the rising hope of the stern and unbending Tories, so Mr. Chamberlain was then the guiding spirit of the advanced Radicals, who, in revolt against the old economists, were touched with the fire of a discriminating socialism. He carried his belief in municipal virtue so far as to advocate the Gothenburg system of licensing as a remedy for the evils of the drink traffic—certainly a disinterested effort, for he

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alienated both the sellers of drink and the teetotalers thereby. While Mr. Gladstone, emerging from retirement, was rousing the moral indignation of the country against the military aggressiveness and the Turkophile sympathies of the Tory Party, Mr. Chamberlain was holding up to public scorn the gaudy Imperialism of Lord Beaconsfield. He fought against the folly of war in Afghanistan in search of "a scientific frontier." He similarly opposed the forward policy in South Africa of Sir Bartle Frere, "the prancing pro-consul" of Mr. Lowe. He defended the restoration of independence to the Transvaal even after our forces had been defeated, boldly preferring justice to revenge.

By 1880, he had distanced all competitors among the younger men of the party. By the formation of representative Liberal Associations over all the country, he had reorganized Liberalism on a sound democratic basis, and he had made of Birmingham a Mecca to which the eyes of all the earnest and active politicians might look. It surprised nobody when Mr. Gladstone placed him at once in his Cabinet as President of the Board of Trade, and he was recognized as Mr. Gladstone's only possible successor.

Mr. Chamberlain's policy was far more advanced than that of his leader. Caution is the prerogative of the old. Mr. Gladstone was loved and trusted. But for the less immediate future Liberal hopes began to be fixed on the man courageous, resourceful, energetic, who showed himself capable of grappling with the problems of the future as they should arise. Disestablishment, universal undenominational education, manhood suffrage, equal electoral districts, a graduated income tax, the more equal distribution of land, local option, "one man, one vote," the abolition of the House of Lords as a legislative body, Home Rule for Ireland so far as it was consistent with the unity of the Empire, all these changes were advocated with a boldness, even a recklessness, which proved to the more advanced Liberals that here was a man who was in downright earnest, and who had courage equal to his capacity.

And yet there was a strain running through his speeches which made the more thoughtful pause. Mr. Gladstone's noble advocacy of great causes was never marred by personal attacks on his opponents. He regarded them as honest, but misguided, individuals. Not so Mr. Chamberlain. His denunciation of what he conceived to be a political injustice was nearly always accom-

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panied by a stinging personal attack on those who defended it, which, while it roused laughter and cheers, undoubtedly added bitterness to the strife.

Lord Salisbury, with his "patrician arrogance," was the spokesman of a class "who toil not, neither do they spin," whose fortune originated in grants made long ago "for such services as courtiers render kings." Mr. Goschen, the Whig, was "a gentle warbler of the grove," or the "skeleton at the Egyptian feast." Lord Hartington was "Rip van Winkle."

It was plain that the Whig was no longer to be permitted to drag the wheels of the Radical chariot when Mr. Chamberlain had mounted the box. Still, in spite of this tartness which left a slightly unpleasant taste in the mouth, in spite of a total absence of magnanimity towards opponents, the man's sympathies were deepening, and his influence was spreading. His Bankruptcy Bill, his Patents Bill, were solid pieces of successful work. The combined ship-owners of either party wrecked his Merchant Shipping Bill; but the Bill bore testimony to his humanity, and the speech in which he introduced it was a masterpiece of careful, orderly exposition.

But it was on the platform rather than in the House of Commons that he gradually evolved from 1880 to 1885 the complete Radical programme, unauthorized though it was. Why were his speeches so eagerly read and listened to? There was no curious felicity about them, scarcely any imagination. The literary allusions were scanty and obvious. There was no pathos, no great elevation; he never smote the great oratorical strokes. But they maintained a singularly high level. If there were no purple patches, they were never for a moment dull; the argument was always clear and logical; the metaphor was never strained; you met occasionally with a caustic wit, and the political opponent was always adequately held up to public opprobrium, ridicule and contempt.

All these qualities, however, do not account for their undoubted influence. There was more than this in them. There was an increasing sympathy with the less fortunate of mankind, an increasing gravity when he dealt with the great problems of the reforms which he, no visionary, believed to be practicable.

But all his hopes, genuine and sincere as I believe they were, were blighted by the absorption of the time of the Government

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in dealing with the Irish crisis. Agreeing with Mr. Bright that "force is no remedy," disliking coercion ("I hate the name and I hate the thing," he said), he only sanctioned its temporary application to preserve order because and whilst remedial measures were being pursued. He was the trusted emissary between the Irish Party and the Liberal Government; and, on the murder of Lord Frederick Cavendish, he narrowly escaped being appointed Chief Secretary for Ireland. It was probably only owing to the fact that he had been the chief opponent of Mr. Forster's drastic and unsympathetic rule that Mr. Gladstone, to avoid the appearance of the personal triumph of Mr. Chamberlain over an old and tried colleague, appointed Mr. Trevelyan.

By the end of the year 1885, Mr. Chamberlain was the second man in the Liberal Party, and the return of Mr. Gladstone to power with an immense majority was the signal for all men's eyes to be fixed on the Elisha on whom Mr. Gladstone's mantle was clearly, at no distant date, destined to be cast.

Government, without paying heed to the Irish claim for Home Rule, was impossible. Apart from other considerations, the strength of Mr. Parnell's following forbade it. Mr. Chamberlain had defined his position. Alive to the defects of British rule, he had described them in language which was quoted from every platform. He said:

"Are you content, after nearly eighty years of failure, to renew once more the dreary experience of repressive legislation? Is it not discreditable to us that, even now, it is only by unconstitutional means that we are able to secure peace and order in one portion of Her Majesty's dominions? I do not believe that the great majority of Englishmen have the slightest conception of the system under which this free nation attempts to rule the sister country. It is a system which is founded on the bayonets of soldiers, encamped permanently as in a hostile country. It is a system as completely centralized and bureaucratic as that with which Russia governs Poland, or as that which prevailed in Venice under the Austrian rule. An Irishman at this moment cannot move a step, he cannot lift a finger in any parochial, municipal or educational work, without being confronted with, interfered with, controlled by an English official, appointed by a foreign Government, and without a shade or a shadow of representative authority. I say the time has come to reform altogether the absurd and irritating anachronism which is known as 'Dublin Castle.'"

He had parted company with Mr. Parnell, when the Irish leader had demanded a separate and independent Legislative Body

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for Ireland which should have power, among other things, to impose a protectionist duty against Great Britain. He had, on the other hand, exhibited the most anxious desire to gratify Irish National aspirations, and had recommended a National Council to which local affairs should be intrusted, subject to certain Imperial control, and had adopted the formula of the Liberal Party that to Ireland should be granted the widest measure of self-government consistent with the unity of the Empire.

For a second time Mr. Chamberlain narrowly escaped being appointed Chief Secretary for Ireland. The choice lay between him and Mr. John Morley, and Mr. Gladstone turned to the man who had been always a consistent Home Ruler, who could appreciate the strength of sentiment in politics, and who was equally trusted by the Irish Nationalists. It is useless to speculate upon what would have been the effect on the Irish cause and the Liberal Party had Mr. Chamberlain been commissioned to draw up a scheme for the self-government of Ireland. He accepted office under Mr. Gladstone as President of the Local Government Board, and, with the full knowledge of Mr. Morley's opinions, sat in the Cabinet with him. It has been said that he was chagrined in that his office was of comparatively secondary importance. Mr. Gladstone undoubtedly did not share the popular view of Mr. Chamberlain's position in the party. The controversial methods of Mr. Chamberlain were not those of Mr. Gladstone. The "unauthorized programme" had been put forward without the preconcerted sanction of the chief. But, while we may acquit Mr. Gladstone of any desire to humiliate his subordinate, we may, I think, in fairness to Mr. Chamberlain, acquit the latter of permitting any serious discontent as to the position allotted to him to mould his action. A great scheme of local self-government for England and Wales, which was part of the Liberal policy, was of the first importance; and no one was more qualified than Mr. Chamberlain by his experience and grasp of detail to cope with it. And to that work he at once addressed himself.

And then the bolt fell. Mr. Gladstone propounded to his Cabinet a Home Rule Bill worked out in every minute detail. It has been said that Mr. Chamberlain took umbrage at not being more fully consulted, and that his subsequent action was due in some measure to personal pique. There is no evidence of this. At that time, if personal ambition had dominated him to the ex-

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clusion of sincere conviction, Mr. Chamberlain had only, in following, to put his foot down in every footstep of his leader to secure to himself beyond dispute the reversion to the office of Prime Minister. As it was, he immediately made it known that as the Bill stood he could not support it. He resigned office. It was an act of great courage, for he must have foreseen the probability that the majority of those who had followed him, and his own creation, the National Liberal Federation, would remain faithful to the party, and would bow to the unexampled authority wielded by Mr. Gladstone, and would be swayed by personal devotion to the dauntless chief.

The speech in which Mr. Chamberlain set forth his objections to the Bill was marked by unusual emotion, and was in admirable taste. In the exclusion of the Irish Members from Westminster he saw a blow dealt at Imperial unity, which was to his mind fatal to the best interests of Great Britain and Ireland. If that objection was removed, the Imperial Parliament would in his view remain the Imperial Parliament, its supremacy would be an established fact, and he declared that then the scheme would differ little from the proposal for a single National Council, which he had advocated only the preceding year. Mr. Gladstone refused to go further by way of concession than to treat the matter as more or less of an open question, and Mr. Chamberlain was finally lost to Liberalism. That the objection was sound was shown by the fact that in the Bill of 1893, when Mr. Gladstone attempted the second time to deal with the question, eighty Irish members were to be retained in the Imperial Parliament.

The Liberals who voted against the Home Rule Bill in 1880, some seventy in number, under the titular leadership of Lord Hartington, but under the real leadership of Mr. Chamberlain, had a chance which rarely occurs of showing a disinterested patriotism. If they had remained true to their Liberal principles, and if at the same time, while standing firm in their quarrel with the extreme form of Home Rule put forward by Mr. Gladstone, they had been willing, as they averred that they were willing, to sanction a modified form of self-government for Ireland, they would have gone down in history, whether history agreed with them or not, as a band of honest, self-sacrificing and noble-minded politicians. But alas! it was not to be. Many of them were weak-kneed Liberals, political mariners, welcoming Home

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Rule as a friendly wind ready to waft them into the tranquil harbor of Conservatism.

Mr. Chamberlain was not one of these. He hesitated to take the plunge. At the General Election in July, 1886, there was returned a majority of 118 against Mr. Gladstone's scheme of Home Rule; but on other questions the Liberal Unionists held the casting vote. There was a period of some uncertainty, and then Mr. Chamberlain crossed the Rubicon, and began the process which he has since continued of burning one by one the gods which he had adored.

During the period of the Conservative Government, Mr. Chamberlain remained without office. It would have been hardly decent for him to join those whom he had occupied his life in denouncing. But he gave them his unswerving support. Coercion was made permanent for Ireland, which meant that it could not be removed without the assent of the Lords; trial by jury was suspended; wholesale evictions were carried into effect; and many of the most tried and trusted Irish members were thrown into prison and treated as common felons. Mr. Chamberlain looked on approvingly. He taunted his former friends with the sympathy they showed towards the Irishmen, and said that at least the alliance he had made with the Conservatives was with English "gentlemen."

The House of Lords—of which he had said that "their cup is nearly full," and "their career of high-handed wrong is coming to an end," "as a Dissenter I have an account to settle with them, and I promise you I will not forget the reckoning"—was now told that "they need not be alarmed." "One man, one vote," for which he had urgently pleaded, was now "a trumpery reform"; and he spoke gayly of the "awful messes" into which Mr. Gladstone's foreign policy had led the country when he, Mr. Chamberlain, was forsooth a member of the Cabinet! He opposed every reform he had advocated, with two exceptions. Through his influence the Conservatives carried Free Education, and he absented himself whenever the Conservatives had to support the Established Church. The "Dissenter" blood could not be quite eradicated from his political veins.

His attitude was characteristic of an angry and disappointed man; and though, no doubt, he honestly believed that the Conservatives must be supported to prevent the resuscitation of the

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dreaded Home Rule Bill, there was no need for the intense bitterness he showed, and his influence would have been more weighty if he had not been in such a hurry to cast off his old Radical clothes and to attack his old friends. As it was, his name was always greeted at Liberal meetings with such outcries as proved the power of the man, and the intense moral repugnance to the course he had pursued. The feeling of Liberals was that they had been betrayed, and even now irrepressible shouts of "Judas!" are apt to arise when his name is mentioned at Liberal meetings.

Nor did the short Liberal Parliament of 1892-4 find him less irreconcilable. The second Home Rule Bill, shorn of the objectionable features he had discovered in the first, he would have none of. He gave no generous support to the effort of the Government under great difficulties to carry into effect the old Liberal programme he had so lately fought for; and, on the return of the Conservatives to power with an enormous majority, he had truly earned, and he duly received, the important appointment of Colonial Secretary. The fusion was complete.

Then did we see the triumphal march, unchecked, of Conservative principles. Mr. Chamberlain, an old Chairman of the Education League, saw without remonstrance Denominational Schools fostered in their rivalry with School Boards by special grants from public funds.

Although a stinted measure of local self-government was granted to Ireland, yet the local governing bodies were deprived of the power and authority wielded by similar bodies in Great Britain. The support of the Irish landlords was bought by relieving them of rates out of the public funds, and out of the same cornucopia grants in aid of rates were made to their British brethren, and to the beneficed clergy. By this time the political Dissenter in Mr. Chamberlain was dead!

He speedily signalized his rule at the Colonial Office by issuing a circular to the Colonies. This seemed to point in the direction of a suggestion for Free Trade within the Empire and Protection against the rest of the world; significant, indeed, of a weakening conviction on the part of the old colleague of Mr. Bright in the truth of the doctrine of Free Trade.

The news of Dr. Jameson's Raid across the border into the Transvaal gave him the opportunity of promptly disavowing and repudiating it. The strange reluctance of the Committee of

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Investigation appointed by Parliament to call for the production of the best evidence in proof or disproof of the complicity of the Colonial Office in the Raid, has led many to believe that Mr. Chamberlain was a conspirator. It is only fair to him to say that he has repelled the accusation, that the evidence has failed to convict him, and that the probability is against his having been a participator in such an act of human folly.

It must have been a matter of chagrin to him to find that the Colonial Prime Ministers who came over to England on the occasion of the Jubilee of 1897 were Liberal in politics; that their eyes were fixed on the majestic old age of Mr. Gladstone; and that their warmest welcome was at the National Liberal Club, where the Liberal Party was gathered together to greet them.

As Colonial Minister he has given the impression of bustling activity, of an admirable departmental manager—in short, of a successful business man. On the other hand, his unguarded language and his infirmity of temper, which used to rouse adherents and inflame opponents, is sadly out of place in the mouth of a responsible Colonial Secretary; and to say of Russia that "he who sups with the devil will need a long spoon," or to tell the French to "mend their manners," is to put grit into the bearings of the diplomatic machine, which need all the oil which experience, wisdom, and courtesy can pour into them.

His latest achievement has been the war with the two Republics in South Africa. I say "achievement," because the war has been the joint act of Mr. Chamberlain and Mr. Krüger. The revival by Mr. Chamberlain of the claim to suzerainty, in face of the Convention of 1884 and Lord Derby's statement at the time, was, in Mr. Krüger's eyes, dishonorable and practically an act of war. The Colonial Secretary and Mr. Krüger were inspired by mutual distrust, and the aggressive contempt of the one and the sullen obstinacy of the other made successful negotiation impossible.

The supreme act of folly committed by Mr. Krüger in invading British territory gave Mr. Chamberlain the opportunity he desired. The war could now be waged under the plea of self-defence. He could now point to the invasion as justifying the suspicion that Mr. Krüger and his Dutchmen had determined upon the suppression of the British by the Dutch throughout South Africa, a suspicion largely entertained, but as to which,

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up to the present time, no serious evidence has been forthcoming.

Mr. Chamberlain was unable to discover why the Boers should repudiate the advantages which he considered they would undoubtedly receive from annexation to the British Empire.

The obstinate defiance of the enemy brought his less pleasing characteristics into prominence. The war was popular. So are most wars, whether posterity condemns them or not. The Colonies came forward to assist, and Mr. Chamberlain launched himself upon the full tide of Jingoism. The press, the Conservatives, wavering Liberals and Nonconformists supported him; the City of London met him with acclaim. He was the man of the hour, the representative of the whole British Empire.

And how did he use his power?

There was a minority, composed of citizens who loved their country no less than he, but who pleaded for something short of unconditional surrender, who deplored the wholesale proclamations, the hangings, and the shootings under martial law, as being in many cases mischievous, in some unconstitutional; who deprecated the laying waste of the whole invaded country, the consequent imprisonment of the women and children in concentration camps where death and disease were busy with their victims, and who sought to investigate before believing the accusations of treachery and murder so widely and confidently brought against the foe. So heated was the public spirit that opposition to the policy of the Government was quelled by open violence. Mr. Chamberlain inflamed this spirit. He denounced all political opponents as Pro-Boers, as traitors. These taunts, as ungenerous as they were successful, have caused wounds, the scars of which time is powerless to heal. A huge Conservative majority at a General Election held during the war, was the result.

The war over, Mr. Chamberlain's triumph seemed complete. But peace does not always cure dissensions. The British party at the Cape, only following the lead of their great advocate and champion, thought that total and permanent suppression of the Dutch party was the legitimate reward of victory. It is easy to let loose the dogs of war, it is difficult to recall them. An intrigue was set on foot for the suspension of the Constitution, of which Lord Milner, the King's supreme representative in South Africa was the leading spirit. Sir Gordon Sprigg, a Constitutional Loyalist, forced by the exigencies of the political situation

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to rely for support on his opponents, fought the battle of Constitutional Liberty. Sir Gordon Sprigg came to London. Fortunately for South Africa, Sir W. Laurier and Sir E. Barton were in London also, and powerfully aided the cause of Constitutional Freedom. The decision of Mr. Chamberlain was invoked. A weaker man might have temporized with, or yielded to, the forces of the conspiracy. Mr. Chamberlain stood firm and the Constitution was preserved.

He formed another wise resolve. He determined to visit South Africa in person, and to see and hear all things for himself. In South Africa he strove to assuage the raging animosities of party and of race. His welcome was enthusiastic in the British, respectful if not cordial in the Dutch, portions of the Colony. To attain his object he had to unsay many of the harsh and rankling words which he had used towards the Dutch. He did all that he could, with his immediate past behind him, to pacify and to unite.

He made one most striking error. There were a set of Boers who, not content with surrendering while others were in the field, accepted British pay to fight against their compatriots. In the eyes of the fighting Boers they were traitors to their country, their race, their kinsfolk. Their names will be handed down by their countrymen with execration. He might have passed them by. On the contrary, he praised them, he almost fondled them. It was a grave error of policy, and it did much to undo the handsome tributes he paid to the fighting Dutch, and to neutralize the appeals he made to all to bury the animosities of the past and unite in common action for the future.

In the financiers of the Transvaal he met his match. Cosmopolitan, powerful and united, they whittled down their contribution from the expected one hundred millions to thirty, nor is it easy to see how in the future the payment of this thirty millions can be enforced. And, as a counterstroke, they obtained a loan of a similar amount of British money to the Transvaal. From their point of view, a sound and far-seeing policy underlay this bargain. Without the gold-mines in full work, there was little probability of the interest being paid upon the loan. To work the gold-mines to the fullest extent, black labor was thought to be indispensable. The interest of Great Britain was thus bound up with the employment of black labor.

It is a sombre outlook. The black man will not work for the pay

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which the mine-owner is disposed to pay. And pressure was at once and is being put upon the British Government to make the black man work.

Here comes in one of the less admirable aspects of the British character—its tendency to hypocrisy and cant. We denounce slavery in all the moods and tenses, but—Mr. Chamberlain has suddenly discovered that the black man is idle and a polygamist. In encouraging polygamy (and this, note, is not the only portion of the Empire in which it is permitted), we are encouraging a form of slavery, for the black man often lives on the labor of his wives. Our anti-slavery convictions, therefore, are to lead us to the conclusion that the black man should be taxed, and, specially in respect to his redundant wives, at such a rate that labor in the mines is necessary to enable him to pay the tax.

It is difficult to be patient when the "dignity of labor" is invoked to account for a policy which may lead, by slow but sure steps, to the maintenance of the credit of the newly annexed Republics on the basis of the enslavement of black men; none the less enslavement because wages fixed by the employer are paid, and the work is for a definite time. To this policy Mr. Chamberlain is committed. It is a far cry from the principles set forth by him in his Radical days.

Mr. Chamberlain's mission, however, has not been fruitless. The granting of a general amnesty to political prisoners, except for crimes punishable under the ordinary law, if tardy, was, at any rate, wise and statesmanlike.

In theory the war was waged by us in the words of the prayer of the late Archbishop of Canterbury, ordered to be read in all the churches, "for the deliverance of the oppressed, and the maintenance of justice and equity between man and man." So far as the natives are concerned, Mr. Chamberlain has just recanted his accusations against the Boers of brutality towards them. In fact, the Government of the Transvaal, under a special law just promulgated, is pure tyranny. Premises may be searched; letters may be opened; public meetings may be prohibited; persons may be arrested without warrant, or prohibited, with certain exceptions, from entering or sojourning in the Colony without a permit; persons without a permit, or "dangerous persons," may be ordered to leave the Colony on pain of imprisonment, etc. —all which provisions are to prevent "sedition."

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You may, it appears, point out errors in the Government or Constitution, or show that the Lieutenant-Governor has been misled or mistaken, or urge a lawful alteration of the law; but if you go beyond that and do or say anything to cause discontent or disaffection, or promote feelings of ill-will and hostility between different classes, you may be sent to prison for five years. Needless to say that the magistrates are, practically, merely the Executive purporting to dispense justice. It may be hoped that this policy is only temporary; but it bears the imprint of the determined and overbearing characters of Mr. Chamberlain and Lord Milner. It is a pregnant commentary on the prayers offered up in the churches of the land, and it is a lame and halting sermon to accompany the text of Mr. Chamberlain's conciliatory speeches.

The gusty winds of Imperialism are calming down. The war fever is over, and people are now counting and feeling the cost. The Colonies do not seem willing to bear any proportional burden of Imperial Defence, nor to enter into any league for Free-Trade within the Empire and Protection against the world, a scheme much advocated by Mr. Chamberlain. For this decision the Free-Traders at home are grateful to the Colonies, though the reasons of the Colonies for their decision, namely that they do not wish to abandon protective duties against the Mother Country, may not be that which inspires our gratitude.

It is difficult to forecast the aim of the future energies of Mr. Chamberlain.

His industry, his tenacity, his power of lucid exposition, his ready and merciless if unconvincing power of debate will always make him the most discussed man upon the political stage. The British like the fighting animal. But admiration of his powers and not affection for the man is the source of his popularity; and he has never cast the deep spell which draws men to those who can make great sacrifices to high ideals, and to whom success seems to be as nothing compared with that faithfulness without which human effort loses half its charm.

COLERIDGE.

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THE NORTHERN SECURITIES DECISION.

BY CARMAN F. RANDOLPH.

I HAVE been asked "to elucidate for the readers of the REVIEW the recent so-called 'merger decision,' its significance and its probable or possible effects"; and in endeavoring to comply with the request I shall confine my observations to several points of general interest.

The suit is brought by the Federal Government under the Anti-Trust Act of July 2nd, 1890, for the purpose of divesting the Northern Securities Company of such control over the Great Northern and Northern Pacific railway corporations as it had gained by acquiring majorities of their respective stocks, partly by purchase for cash, but mainly by the exchange of its own shares for shares of the railways. The Circuit Court for the District of Minnesota, in an opinion by Judge Thayer, finds that the railways were competing inter-State lines, which, through the efforts of a combination of stockholders to which the Securities Company was a party, passed into the control of that Company. The Court decides that the transaction violates the Anti-Trust Act, and it enjoins the Company from voting at any stockholders' meeting of either of the railway corporations, and from exercising any supervision or influence over the acts of these corporations. The Company has appealed the case to the Supreme Court, where it will be argued at the next term.

In the course of its opinion, the Court said that the acts of the defendants "destroyed every motive for competition," and that the "power to suppress competition," obtained by the Securities Company through the purchase of railway shares, amounted to a restraint of commerce. Because of these and other expressions, the Circuit Court has been charged with construing the Act to

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condemn mere opportunity to restrain competition, and this either in the transportation or sale of articles of inter-State commerce—a construction which, if at once constitutional and practicable, would discredit a large proportion of our business enterprises.

Opportunity to restrain competition seems to be the vital element in the decision; but, having regard to the facts in the case, we are not warranted in saying that the Court denounces opportunity without regard to the circumstances under which it is gained. Then, the inference that the principle of the decision goes beyond the agencies of transportation directly involved in the case, and affects numerous industrial holding companies and trusts, though well worth attention, is not imperative; for the general disposition of courts to formulate principles with particular regard to the state of facts before them is especially noticeable in inter-State commerce litigation. So we shall comment on the decision chiefly as it affects the agencies of transportation which are clearly within the regulating power of Congress, as distinguished from agencies of sale whose position has not yet been fully determined by the Supreme Court.

With less appearance of exaggeration, the Circuit Court has been said to approve some such proposition as this: Control of two competing agencies of inter-State transportation, however or by whomsoever acquired, amounts to an illegal restraint. I think even this implication is broader than a fair reading of the opinion warrants.

In the first place, the reasoning of the Court does not go so far as to cover control that is not evidenced by possession of obvious power. It does not condemn the control that may be reasonably supposed to accompany the holding of an influential position—such, for example, as may accrue to a railway company which holds a large block of stock in a competing line.

In the second place, even an obvious control of competing agencies may yet be beyond the necessary implications of the Court's opinion. To illustrate this statement, let us take the case of two inter-State ferries. These being smaller undertakings than railways, and not necessarily operated by corporations, offer a greater variety of illustration in the way of acquisition and ownership, yet as transportation works they are in the same cate-

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gory with railways in respect of Federal power over commerce. Mr. A. buys one ferry and afterwards inherits the other; or he buys the other from Mr. B., or he marries Mrs. B.; or C. buys out A. and B.: Corporation F., owning one ferry, buys a majority of stock in corporation E., owning the other; or a railway corporation buys majority interests in E. and F.; or an insurance company invests in E. and F. stocks until it holds a majority of each. Reviewing these cases, we find that certainly by the accident of inheritance, and presumably by the incident of marriage, "the motive for competition is destroyed"; but I am sure it would be impossible to read into an Act of Congress a constitutional expression of power either forbidding the heir from operating his ferries or dissolving the marriage as a combination or conspiracy in restraint of trade. In theory of law, then, it is possible for a single interest to exert over two formerly competing agencies of inter-State transportation a control more direct and potent than the Securities Company obtained over the Great Northern and Northern Pacific.

The remaining ferry cases are purchases; and, excepting the insurance company, which may be assumed to buy for investment, the purchasers may be supposed to buy with the purpose of operating the ferries in harmony, and thus gain by intention a control which the heir, the married couple and the insurance company enjoy by force of circumstances. Now, whenever an individual buys out a rival concern, there is commonly a restraint of competition more or less marked; but evidently there is no combination or conspiracy, nor, in the absence of a self-denying agreement on the part of the vendor, is there a contract in restraint of trade. The transaction is an ordinary purchase—a transfer of property from one owner to another. This transaction is not, and, in my opinion, cannot be forbidden by Congress in virtue of the power to "regulate" commerce. So far as individual citizens are concerned, I think the incapacity of Congress to forbid them to make such investments of their money will be not only generally admitted, but will be generally approved as a proper guarantee of personal liberty.

Perhaps a State corporation is commonly supposed to be amenable to a greater Federal power of regulation than an individual citizen of a State, but there is no constitutional warrant for such a distinction. While a State in creating a domestic, or admitting

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a foreign, corporation reserves peculiar powers of control over the artificial being it charters or licenses, the Federal Government, which neither charters nor licenses the corporation, has no such powers. Its abilities in the regulation of inter-State commerce are at once comprehensive and even-handed. The individual and the corporation, performing similar acts, may be equally restrained if the act be within the constitutional right of regulation, and must be equally free if the act be essentially lawful. When we say that Congress cannot prevent a man from acquiring a competing ferry by inheritance, we perceive that he may acquire it by purchase; and, by parity of reasoning, we find that a State railway company may, so far as the Federal Government is concerned, acquire any amount of stock in a rival line.

It should be remarked that the decree of the Circuit Court does not treat the Securities Company's possession of the railway stocks as illegal. It does not order their return to the vendors as the Government requested. It simply permits them to be returned. But the decree forbids the Company to vote the stock, and thereby deprives it of the full use and value of its property. Whatever may be the reason for the Court's acquiescence in the Company's possession of stock, while expressly prohibiting the exercise of stockholders' rights, there is in the cases we have supposed no distinction between the right to acquire property and the capacity to enjoy it. The heir coming into possession of the rival ferry is entitled to operate it. The railway buying stock in the rival road is entitled to vote it.

Each of the supposed cases presents a monopoly, which is always a condition in potential restraint of trade; but in none is the monopoly created by "a contract combination or conspiracy in the form of trust or otherwise" condemned by the first section of the Anti-Trust Act. It was well known that the Securities Company obtained a monopoly by its acquisition of railway stocks; but its promoters assumed that this action would be assimilated in Federal law to an independent purchase by an individual. This position, which I have already examined and approved in a law journal,* was presented to the Circuit Court, and doubtless, will be again presented on the appeal. I shall not attempt to develop it here, because the Circuit Court has decided

* "Considerations on the State Corporation in Federal and Inter-State Relations," *Columbia Law Review*, March, April, and May, 1903.

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that the Company was a party to a combination, and my comments are limited to the decision.

In the next case of the competing ferries, we have an abatement of competition which is brought about by somewhat different means: A "holding" corporation, organized by stockholders of the ferry companies, obtains control of the ferry stocks. This is like the Northern Securities transaction and of course is condemned by the Court's decision.

The specific proposition underlying the decision seems to be this: When parties interested in competing agencies of inter-State commerce bring them under the control of a corporation which they organize for the purpose, they, together with the corporation, combine in restraint of trade. The corporation is merely a "shield" for conspirators. The Court, while acquiescing in the Company's possession of stocks, does not treat their acquisition as a sale of property from one person to another, which, as I have said, seems to be beyond the reach of the Anti-Trust Act, but as a transfer of property from several individual owners to the same persons as a corporation—a "pooling" of interests. In short, parties whom the Court calls "natural rivals" are deemed to be effectively forbidden by the Anti-Trust Act to make any formal arrangement which permits the management of the properties in harmony, leaving open the question whether they can be prevented from abating their rivalry by informal means.

Passing over some important questions of law and fact suggested by the Court's treatment of the particular case at bar, we come to weighty matters of general concern distinctly involved in the opinion. The Circuit Court holds substantially that evident opportunity to restrain inter-State commerce, when obtained by a combination of interested parties, is condemned by the Anti-Trust Act; and it claims for this reading of the statute an interpretation already decreed by the Supreme Court. Now, the Supreme Court has declared, against the protest of four Justices, that the Act forbids the making of rate agreements by competing railways, even though the rates be not unreasonable. But the Supreme Court has not yet extended the unwholesome principle of this interpretation to other cases. It has not yet decided that the mere opportunity of a combination to restrain competition denotes an illegal condition; and, though it may stand by the letter

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of its traffic decisions, it is to be hoped that it will embrace the first opportunity to mitigate the principle which prompted them. While the difference between a traffic association which actually prescribed rates and a holding company which is in a position to administer railways in harmony, may not be a radical one, it is, I think, substantial, certainly perceptible; and the Supreme Court would not break with its traditional method of handling inter-State commerce problems by making an even nicer distinction of fact the basis for an improved exposition of law.

The principle at stake is of far-reaching concern, not only in Federal matters, but in the affairs of the States, whose legislatures and courts should look to the great tribunal of the republic for sound exposition of the fundamental theories of jurisprudence. Opportunity to injure and infliction of injury are generally well differentiated in contemplation of penal law. The law rightly views the former as a condition beyond its normal province, and penal statutes should be construed in harmony with this position unless the text expressly forbids. The phraseology of the Anti-Trust Act does not require the Supreme Court to construe it as forbidding liberty of association wherever accompanied by opportunity to injure. And a definite ruling to this effect might seriously embarrass the treatment of a grave problem by giving to a false principle the sanction of our Supreme Court.

I refer to the problem presented by the associations multiplying throughout the country—associations of corporations, capitalists, trades, working-men, each having to do with commerce in or among the States, and possessing opportunity for grossly injuring the public.

How shall the community perform its duty regarding these mighty forces? To protect persons from impressment into an association by means which the law can properly condemn; to protect them from illegal interference in the pursuit of lawful avocations; to permit association for protection or betterment, with full knowledge that possession of power may lead to its abuse, though in the case of corporations the legislatures responsible for these artificial beings should act with caution and discrimination in this regard; to define, correct and punish abuses; to employ the arm of prevention whenever a true perception of its property shall warrant: this programme outlines the right attitude of a just and liberal community toward associations

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that may now and again disturb its equanimity by the arrogance of their pretensions, and it should be substantially followed by our Federal and State governments within their respective spheres. Difficult of complete and impartial execution at best, the programme is likely to be weakened if the Supreme Court shall construe the Anti-Trust Act as denouncing an association or "combination,"—call it what you will—merely because it has an opportunity, and even a motive, to restrain trade by raising rates, or prices, or wages.

If the Supreme Court approve the views of the Circuit Court in regard to opportunity to restrain competition, we may be, at worst, handicapped in dealing with the association problem. Approval of the views now to be considered will deeply and permanently affect the organic relations of the States to the Federal Government.

"By what has been done," says the Circuit Court, "the power has been acquired (and provision made for maintaining it) to suppress competition between two inter-State carriers who own and operate competing and parallel lines of railroad. Competition, we think, would not be more effectually restrained than it is now under and by force of the existing arrangement, *if the two railroad companies were consolidated under a single charter.*" The words I have italicized show that in the mind of the Court the formal consolidation of competing inter-State railways by State authority is, from a Federal standpoint, substantially like the virtual consolidation effected in the present case, and is, therefore, equally illegal under the Anti-Trust Act.

In frankly likening the position of the Securities Company of New Jersey to that of a consolidating corporation created by usual methods, the Court has dissipated a cloud which has enveloped the case ever since the Government filed its petition. The Government never had any reason for questioning the legitimacy of the New Jersey Company at home, for that is within the province of New Jersey, nor any reason for considering the relation of the Company to Minnesota, for that is within the province of Minnesota, and, in fact, is now at issue in a suit brought by the State, a suit, by the way, of interest to many corporations doing business in several States. The Court has clarified discussion by plainly implying that, had the Great Northern and Northern Pacific been

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formally consolidated under some sufficient authorization by the States directly interested, they would stand in no better position before Federal law than they do now when consolidated in a sense through the purchase of stock by the foreign corporation of New Jersey. And, in clarifying discussion by the employment of strict, but not evidently unreasonable logic, the Circuit Court brings into relief a novel question of constitutional law of momentous importance. In condemning the consolidation of inter-State railways under State law, it approves a Federal control over State legislatures and a Federal supervision over State corporations, as such, certainly never sanctioned by any judgment of the Supreme Court.

What is an inter-State railway built under State authority? Physically, a continuous line; in contemplation of law, two lines, each authorized by a State and connecting at the boundary; an undertaking legally indistinguishable from the sections of an inter-State toll-bridge or turnpike, even from an ordinary highway which each State lays to a common point in the boundary. In thus authorizing railways in their own territory, the States exercise a right which, except in the case of interference with navigation, Congress cannot abridge by invoking the familiar doctrine that whatever powers the States may exercise in respect of inter-State commerce are permissive, and fail when Congress chooses to exert an exclusive control. Building such roads is not a State regulation of inter-State commerce.

A State being entitled to connect highways of every description with similar highways in a neighboring State, how is it supposed to contravene the Federal power over commerce expressed in the Anti-Trust Act by placing under one corporation two of its railways which are sections of competing inter-State lines? If New Jersey should consolidate the railroads within its boundaries, all freight carried between the cities of New York and Philadelphia by direct route would be subject to a non-competitive rate in its transit through New Jersey. Could the Federal Government break up the new corporation under the Anti-Trust Act? Or, to put the striking question which the reasoning of the Circuit Court provokes at last, Could the Government enjoin New Jersey from expropriating all railways in the State and operating them?

In earlier days, States sometimes granted inter-State bridge rights, with an agreement that no rival bridge should be author-

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ized for a long term of years. Though the grantees were limited to a fixed toll, it sometimes happened that, before the expiration of the term, this rate, however reasonable at the beginning, became higher than would-be competitors were ready to accept. Here was a condition in restraint of inter-State trade, so far as this is predicated upon ability to charge higher rates than would obtain under competition. But, surely, the Federal Government was powerless to prevent the owners of the bridge from administering their property, and the Constitution positively forbade the States to authorize a competing bridge in violation of the contract. As inter-State trade was thus "restrained" through the operation of an original State grant pledging monopoly, why can it not be potentially "restrained" by the lighter method of consolidating roads without pledging monopoly?

Limited to transportation agencies, the effect of the Circuit Court's views of State incapacity would be sufficiently serious; but if it should be finally held that all corporations and associations engaged in commerce in more than one State are within the purview of the Anti-Trust Act, the proper province of the States would be flagrantly invaded. To illustrate: in Gibbs *v.* McNeeley, 118 Federal Reporter, 120, an association of manufacturers and dealers in red-cedar shingles in the State of Washington was held amenable to the Anti-Trust Act because their product, which, it seems, is peculiar to Washington, was largely marketed in other States. If this decision and the views of the Circuit Court are both sound, Congress forbids Washington to either consolidate the corporations, or permit the partnership of the individuals engaged in such undertakings. Not even the anticipation that such a Federal power might be loosed upon the anthracite trade of Pennsylvania should commend its recognition. Cheaper coal would be dearly bought at the expense of State rights.

Without discussing fully the constitutional question presented by the Circuit Court, I conclude that, if the Supreme Court shall find that the Northern Securities Company stands in the same relation to the United States as a consolidating corporation created by a State actually controlling the railways in question, it must, with a deeper and sounder appreciation of State rights and Federal limitations, reject the lower Court's conclusions, and declare that Congress is powerless to disrupt consolidations, actual or virtual, consummated under State law. If a State's

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right to consolidate its railroads at pleasure is recognized, and I am sure the Supreme Court will not be forced to even question this right by any argument or opinion in the case at bar, what will be the position of the Federal Government in regard to railways whose "motive for competition has been destroyed" by State authority? Must Congress stand by while "The Consolidated Railways of New Jersey" or New Jersey itself takes toll at will upon direct traffic between New York and the South; while all our lines pass under the control of sectional holding companies, perhaps of one huge corporation? Such apprehensions give the prosecution of the Securities Company its popular strength, and they cannot be allayed by demonstrating the improbability of their realization, nor by showing that aggrieved shippers can complain to an Inter-State Commerce Commission authorized to pronounce a given rate exorbitant. To point out that the United States are empowered to parallel State with Federal railways may be an invitation to disaster. To say that they can expropriate and administer the lines, suggests to every one outside the Socialist camp a counsel of despair.

Were the State rights for which I contend really obstructive of a normal and effective exertion of Federal power, they would prove their unconstitutionality by the arrogance of their claims. For there must be a constitutional and practicable procedure by which Congress can maintain the supremacy of its regulating power over inter-State commerce against any real restraint, and I insist that the rational handling of our inter-State commerce problem will be impossible until Congress and the Courts shall appreciate the distinction between real and theoretical restraint. There is a method. When two States granted a bridge monopoly we have seen that they made an inviolable contract, but to this the Federal Government was not a party, and Congress could have protected the public from extortion by fixing a reasonable toll. A Federal power sufficiently vigorous to emasculate the solemn obligations of States is able to cope with any real extortion arising from modern methods of railway consolidation. An Act of Congress authorizing a commission to fix just rates for freight carried by "natural rivals" who, having "destroyed every motive for competition," actually abuse their powers would be a lawful and effective regulation of inter-State commerce.

CARMAN F. RANDOLPH.

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TENNYSON: A NEW ESTIMATE.

BY FREDERIC HARRISON.

ALTHOUGH ten years have passed since Tennyson's death and half a century since the appearance of some of his best pieces, his latest biographer can claim with truth that he still holds the field in poetry, that none has yet come forth even to challenge his crown. It is, therefore, not too soon to look to the wisely balanced estimate of his complete works by Sir Alfred Lyall as that which will prove the final and authoritative judgment of the Twentieth Century on the supreme poet of the Victorian Era.

Sir Alfred is himself a poet of distinction, with more than a tincture of philosophy and scholarship, and, withal, a man whose life has been passed in the government of men. Here, then, we have a judgment of our great poet, at once subtle, sympathetic, and authoritative. Agreeing as it does in substance with the brief sketch that I ventured to put out two years ago, I propose to examine it in detail and to add further criticism of my own.

As do all judicious men, Lyall seizes at once on the dominant note of Tennyson's poetry—his supreme mastery of form, especially in all modes of lyric art. He rightly calls the Laureate "an essentially lyric poet." In speaking of *In Memoriam*, he says: "his sure and never-failing mastery of poetic diction carries him through this long monotone with a high and even flight." I hardly find Lyall's cooler phrases quite warm enough to express the enthusiasm I feel myself for what I have called his "unfaltering truth of form," "his infallible mastery of language"; "the rhythm, phrasing, and articulation are so entirely faultless, so exquisitely clear, melodious, and sure." No doubt, Lyall uses language much of the same kind. But nothing satisfies me unless we place Tennyson quite alone, unapproachable, in an order by himself, amongst the Victorian poets, if only by virtue of this

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unique perfection of style. No man honors more than I do the intellectual power of Browning, the serene meditations of Arnold. But perfect poetry must be perfect in form.

Almost the only estimate on which Lyall seems to be open to question is in placing Tennyson's zenith too soon in his career. To rank the early volumes as containing "some of the most exquisite poetry that he ever wrote," so that "The Lady of Shalott" is an "example of his genius at a period when he had brought the *form* and *conception* of his poetry up to a point which he never afterwards surpassed,"—this is surely anticipating things. To tell us that "his genius had reached its zenith fifty years before death extinquished it,"—that is to say, in 1842—is too hasty a view. It means that neither in form nor in conception did *The Princess,* or *In Memoriam,* or *Maud,* or the *Idylls,* rise to a higher level of perfection than "Mariana," "The Lady of Shalott," and "The Palace of Art." Certainly, these lovely lyrics of 1832 and 1842 have abundance of Tennyson's peculiar charm; and it is to us to-day wonderful that critics and public failed at once to see all that they heralded to come. But to say that Tennyson therein had reached his zenith, that he never afterward surpassed them, is to do him scant justice.

"The Lady of Shalott" is indeed an exquisite poem, full of imagination and color, but the riper and more pathetic "Lancelot and Elaine" is grander in art as well as more powerful in its human realism. And though the versification of the early poem is both subtle and musical, it has weak points such as Tennyson's more finished poem would avoid. The rhymes are not at all faultless. Even if we allow that license which Tennyson constantly asserts—as of "two" rhyming with "true," "barley" with "cheerly"—the license is a fault where it requires a mispronunciation of a word according to a cockneyism or a vulgarism. To make "girls" rhyme with "churls" suggests the speech of the streets. We almost expect "gals." I doubt if "holy" is a good rhyme to "wholly," for the two words are identical in sound. Somewhat higher up the rhyme is mere repetition, for "river" rhymes to "river," and also to "mirror," another cockney mispronunciation.

I am not a convert to the new theory of rhyme, which would make any general similarity of sound a good rhyme. No doubt, to lay down a rule about similar spelling, or "rhyme to the eye," is

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absurd. Rhyme ought to mean *harmony of sound,* where the words are correctly pronounced. What I object to, is a homophony obtained by a vulgar enunciation of either word, as "gurl" and "churl," or "lidy" and "tidy." As I noted formerly, Tennyson's "Six Hundred" makes a false rhyme with "blunder'd," "thunder'd," "wonder'd," "sunder'd," because it involves our pronouncing *hundred* as "hunderd,"—which only vulgar persons say. Any one who knew how readily the poet could slip into rustic dialect can understand how he made the mistake.

But a close view of "The Lady of Shalott" will show us rhymes and phrases which are certainly short of the "Tennysonian perfection." One doubts if four such rhymes as "early," "barley," "cheerly," "clearly," should be immediately followed by three rhymes so close in sound as "weary," "airy," "fairy." No doubt, the good fellows who towed barges down to Camelot pronounced *barley* as "bearly" and "weary" as "wairy," but we do not so speak to-day in polite society. Nor does it seem like Tennyson's best to write—

> "She floated by,
> —between the houses high."

One cannot imagine an adjective more jejune and childish than "houses high." No! "The Lady of Shalott" is a sweet fantasy, but not to be mentioned in the same breath with "Come into the Garden, Maud," "Tears, Idle Tears," or "Come down, O Maid," "Old Year," "Ring out, Wild Bells."

Lyall very justly praises the lovely blank verse of the classical romances and the Idylls, and justly rebukes the deaf ears of the orthodox and conventional critics of the old *Quarterly* who could not hear it; but he does not note that, in power and majesty, Tennyson never quite reached the level of *Paradise Lost,* and some rare bursts of Wordsworth. "Ulysses" and the original "Morte d'Arthur" contain the grandest lines of heroic metre that the Laureate ever wrote. But even these do not reach the diapason of the "mighty-mouth'd inventor of harmonies," with his swelling organ-voice, as when the multitude of angels cast to the ground their crowns of amarant and gold; and then, taking their golden harps, begin their sacred song with the words:

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> "Thee, Father, first they sung, Omnipotent,
> Immutable, Immortal, Infinite,
> Eternal King; thee, Author of all being,
> Fountain of Light, thyself invisible."

This, indeed, is the only English heroic verse which can be set beside Homer.

It is amusing to read that the poet specially valued himself on his "shortness," and on his inexorable rule of throwing away hundreds of verses that he judged not to be perfect. It is quite true that he suppressed thousands of such lines, and, as the *Memoir* shows us, with invariable judgment. But as to "shortness," the *Works* even now comprise some 60,000 lines, more or less—at least three times the out-put of Milton. And the Poems, with few exceptions, would be more effective, if they were not so long. Even the "Two Voices" suffers by being in 150 stanzas, when one hundred would be ample for the argument, vague and indecisive as it is. Much the same may be said of *Maud,* of the *Idylls,* and, lastly, of the historical dramas. The scheme, the intellectual motive, the form of none of them is adequate to sustain such elaboration, so much monotonous detail. The *Idylls of the King* contain far more lines than *Paradise Lost,* which, indeed, would bear being shorter.

Tennyson would too often paint vignettes upon a canvas which was fit for a cartoon of life-size groups. As Lyall points out, his habit was to paint a picture by elaborating a succession of local features, not by broad strokes. And in conducting an argument, or developing a plot, he sought to obtain his effects by a multiplicity of kindred, but distinct points. The whole was always beautiful and often impressive. But it was at times tedious and was never the highest form of art. The Homeric and sculpturesque figures of Œnone, Ulysses, Tithonus, became long-drawn subtle romances of love, disappointment, destiny, and ambition, more akin to the modern novel than to classical simplicity. Tennyson, no doubt, was never diffuse in words, and wrote with a cultured brevity and economy of phrase. But he was certainly most profuse in images, ideas, and colors; and, in arguing a thesis or in narrating a story, he relied on artful elaboration, rather than on the flash, the thunder, of the greatest poets.

How many stanzas, how many pages, would Tennyson have filled if he had conceived such an invocation as this:

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"Thou, O Spirit, that dost prefer
Before all Temples th' upright heart and pure,
Instruct me, for Thou know'st: Thou from the first
Wast present, and with mighty wings outspread
Dove-like sat'st brooding on the vast Abyss
And mad'st it pregnant."

Hamlet's soliloquy, "To be, or not to be," goes in thirty-two lines, and it contains as much thought as the whole of *In Memoriam* in 3,000 lines, and it is quite as impressive.

The truth is this. Tennyson phrased each thought with masterly concision. But he framed each picture with a laborious multiplication of touches; he told his tale with a continuous stream of subtle suggestions, just as Samuel Richardson does in *Clarissa;* and he works up a recondite philosophical thesis by piecing together a *sorites* of ingenious arguments, no one of which he is willing to rely on as conclusive. It is a mode of art singularly popular, but it is not the art of the greatest masters of song.

An excellent point made by Lyall is the attention he draws to the versatility of the Laureate, even from the first. How any men pretending to be critics could talk, as the *Quarterly* men did, about "fantastic shrines" and "baby idols" in speaking of volumes which passed from "Mariana" to "Œnone" and thence to "Morte d'Arthur," "St. Simeon Stylites," "Fatima," "Three Voices," "Locksley Hall," and "The Vision of Sin"—this seems strange indeed to us. But, after all these, we have seen the Poet of "Come into the Garden, Maud," produce the "Passing of Arthur," "The Revenge," "Rizpah," "Vastness," "The Foresters," and "Becket." Since Shakespeare, no one of our poets, unless it be Byron, has shown anything like the same range of invention and grasp of diverse themes and all modes of the lyre.

Lyall is again entirely just in treating *In Memoriam* as Tennyson's masterpiece, "of all the continuous poems the longest and the most elaborate." It is, as I said, "one of the triumphs of English poetry," and it would not be easy to name any other poem of such length so faultless in form, so consummate in music and in harmony of tone. Sir Alfred also shows how greatly the success of *In Memoriam* was due to its "sympathetic affinity with the spiritual aspirations and intellectual dilemmas of the time." Of course, Lyall rejects the curious notion of some Tennysonians, that *In Memoriam* founded a Theodicy, or religious philosophy

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of its own. The poet had a too "dubitating temperament," as Lyall phrases it, to found any scheme of philosophy or theology whatever, even if his "musical meditations" had been more definite. "Dogmatic theology had long been losing ground"; science, he says, had introduced the conception of *law* in lieu of *will* or caprice. Tennyson had lived from his Cambridge days in 1828, "in communion with the thought and knowledge of the day." It took a strong hold of his imagination, says Lyall. Down to his latest years, Tennyson was constantly shaken with the enigmas of the Universe, the Infinite, Death, the petty and transitory nature of our Earth. All this, in the absence of any authoritative Revelation, Creed, or Church, hung over his subtle and brooding soul, and made him almost a pessimist, in spite of his resolute will to "believe where we cannot prove." Such was the tone of the cultured academic mind of the first half of the nineteenth century. Tennyson lived his whole life in this atmosphere, and transfigured its hopes, its doubts, its horror, and its yearnings in a series of exquisite, but depressing, descants.

Lyall's account of Tennyson's religious position is admirably worked out and quite convincing. He rightly fulfilled "the poet's mission, which is to embody the floating thought of the period." "The poet leads us to a cloudy height; and though it is not his business to satisfy the strict philosophical inquirer, he offers to all wandering souls a refuge in the faith." Nothing can be put more accurately. And, as Lyall shows, the clouds rather thickened than dispersed with the advancing age of the poet. "The sense of the brevity of human existence and the uncertainty of what may lie beyond, although Tennyson fought against it manfully, did undoubtedly haunt his meditations and depress the spirit of his later inspirations." Such pieces as "Despair" and "Vastness" indicate a morbid tone in man's view of life, duty, and religion; and, with all their sublimity and pathos, they tend to debilitate and unman us. As Lyall says, "they have a tendency to weigh down the mainsprings of human activity." "They are beautiful as poetry, but they are neither philosophy nor religion."

The second chapter of the *Memoir* shows where and how, at the age of twenty, the poet's intellectual interests grew. At Cambridge from 1828 to 1830 he lived in the society of the "Apostles," described in Carlyle's *Sterling*, the brethren who, as Sterling said,

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"are waxing daily in religion and radicalism." Arthur Hallam, one of the most brilliant of them, wrote that the spirit of the young society had been created by Frederick Denison Maurice. Maurice had left Cambridge a year or two before; but he had already begun to exert on young inquiring minds the remarkable influence which he so long retained. With a really beautiful nature and high social aspirations, Maurice was, as Ruskin found him, "by nature puzzle-headed and indeed wrong-headed." In spite of this, the poet formed a close friendship with the theologian, made him godfather to his son, and thought that, had he been less obscure to the ordinary mind, he might have taken his place as the foremost thinker among the Churchmen of their time. Churchmen of that stamp were certainly of a flabby, inconclusive order of mind.

In the æsthetic parsonages whose oracle is the *Spectator,* they grumble at the impression Lyall seems to convey that the Laureate's mood was too often inconsequent and gloomy. But such was his frame of mind, and it grew on him with age. The problems of Infinity, Eternity, the brevity and littleness of human life loomed ever darker, and never rested in any complete and final answer. He was ever "in many a subtle question versed," and "ever strove to make it true." But to the last he never quite beat his music out. He faced the spectres of the mind; but he never absolutely laid them. I remember as a young man when first admitted to his company, he turned to me, with that grand assumption which he affected to those with whom he disagreed, saying with a most cadaverous air: "If I thought as you do, I should go and drown myself." I smiled; for the absurdity as well as the ill manners of such an outburst amused me. I replied quietly, looking, I am sure, as cheerful as he looked disconsolate: "No! Mr. Tennyson, if you thought as I do about Life and Death—you would be a happy man!" Personally, the poet seemed to be even more unsatisfied with his own beliefs than the poems showed. But if it did not tend to peace of mind and energy of action, the pathos and the dreaminess of this habit of thought were the inspiration of much exquisite poetry. Like other people, he mistook his own gift of words for profound thought.

We shall all agree with Lyall as to the rare charm of the lyrics of *Maud,* especially of the songs, which are amongst the most exquisite in all modern poetry. But he points out with a sure hand

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the essential weakness of the "Monodrama," where violent storms of passion, ecstatic love and happiness, and actual madness have to be told of himself by a single speaker. *Maud* is a very singular, almost unique, example of a rare type—an elaborate and passionate lyric, wherein is rehearsed a romantic and indeed sensational story, such as we expect in a psychologic novel or a rousing melodrama. Lyall dwells enthusiastically on all the beauties of the poem; but he is forced to admit that the task which the poet had set to himself was beyond the reach of lyric art.

"The Princess" is one of the Laureate's delicious masterpieces for which even the least friendly critics have never had anything but praise. It was a theme that gave scope to every one of Tennyson's gifts—his fancy, his exquisite sense of beauty both material and moral, his glowing imagination and deep sense of purity, the reign of love, the perfection of Woman. For my part, I always count this poem as Tennyson's most typical triumph, for whilst it gives every opening to his peculiar genius, it has nothing whereof he was other than perfect master. *Maud* may have structural defects; the *Idylls of the King* are a cross between Idyll and Epic, and are not quite faultless in either sense; and even *In Memoriam* is somewhat long-winded, lugubrious, and unsettling to the general reader. But the *Princess* has perennial delight for the whole reading world, whilst it satisfies every canon of the most searching criticism.

No part of Lyall's estimate is more elaborate and more just than the very subtle study he has made of the *Idylls of the King*. He analyzes the sources of their sustained popularity—the color, the imagination, the fine symbolism and the marvellous versatility of the twelve cantos. But he cannot close his mind to the incongruity inevitable in such a scheme—the transmuting Malory's magical myths, told in frank mother-tongue, into ethical allegories, psychologic subtleries, and modern delicacy of thought and speech. The Arthurian romance in its original form never was a thing for young ladies to dream over, for ministers to preach about, or for the hierophants of culture to expound in elaborate "keys" and commentaries. As in *Maud,* as in *The Promise of May,* in "Vastness" and in "Despair," the poet set himself a task where the conditions of real success were unattainable by any art. The author of these exquisite Pastorals, songs, lyrics, fantasias, medleys, and meditations forced himself to pro-

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duce an Epic of 11,000 lines, a crowded stage of heroes, battles, supernatural beings, of passionate love and tragic death, all predetermined by a mysterious destiny; and yet the poet will not put off his love of dulcet Pastoral, psychologic analysis, and ethical homily. The result, as Lyall says, is too much of a "splendid anachronism," something in places almost tame and artificial. But it is strangely fascinating and deserves its immense popularity with the general public.

Equally subtle is Lyall's analysis of the Romances, Ballads, and Pastorals. He is enthusiastic over their grace, refinement, fancy, and imagination, whilst recognizing that Tennyson's genius was "essentially cultivated and picturesque." This was unfavorable to the unconscious simplicity of the true ballad or the rustic power of plain speech now and then reached by Burns, Lady Nairne, and by Wordsworth. "The Twa Corbies" and "Edwin and Angelina" are both said to be ballads: but how wide is the gulf between them! *Difficile est proprie communia dicere;* and that camel will get through the eye of the needle after all, before culture and word-painting will ever produce the pathos of the genuine speech of rude men. Tennyson's two "Northern Farmers" are a rare success. But they were enough. The prolonged imitation of mere provincial vulgarisms becomes dull and unpleasing, if carried too far, as does the music of whistling in imitation of the voice or the violin. It is a wonderful trick but soon grows tiresome. Lyall has put this excellently. But it is a pity that he has not said quite enough of "Rizpah." This poem was Tennyson's supreme triumph in the weird, tragic, and ghastly romance. It has true directness, horror, and realism. And, dreadful as it is, it is within the range of poetry, nor has modern poetry done anything grander in that vein.

It is pleasant to find that Lyall does full justice to the Dramas, especially to the gallant attempt to revive a genuine historical drama, which our new historical precision has made an almost impossible task. The best of Tennyson's Plays have not been properly valued. They inevitably want the grace, music, and glow of the lyrics and idylls and the subtlety of the meditative poems. And Tennyson's genius was lyrical, not dramatic. Accordingly, none of them, except "Becket," succeeded on the stage with a London public eager for very different spectacles. Nor have they in full measure all the charm that the cultured reader

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finds in the Lyrics. But they have sound qualities of their own, and will doubtless be played to more worthy audiences when a real reform of the theatre has been achieved. In the mean time, they ought to be read by all who care for serious poetry and the idealization of great historic crises.

One regrets that the poet did not take King Alfred for one of his heroes. The scantiness of the historical record would have given ample scope to his imagination, whilst the nobility of the great King and his mission as savior of the English name would have given fire to the poet's patriotism. He rejected William the Silent for a drama, because he clung tenaciously to English history and legend. Lyall truly remarks on the singular tendency of Tennyson to restrict his subjects to his own country. He confines his vision, except for the antique, to England and even particular parts of England. Chaucer, Shakespeare, Milton, Dryden, Pope, Byron, Shelley, Wordsworth, Coleridge are full of interest in other lands. Foreign travel did not inspire Tennyson; foreign history, legend, and art left him cold; he rarely alludes even to Scotland or to Ireland. He is the most intensely English of all our poets, unless it be Cowper or Crabbe. That has been Tennyson's strength. It may hereafter prove to be a weakness.

Lyall does full justice to Tennyson's command of every type of metrical mastery. But he does not seem to complain of that peculiarity of his later manner which at last became a mannerism and even an offence. To me the enormously long rhymed lines of his decline are quite intolerable. Lines of sixteen syllables as in "Despair," or of eighteen and even twenty in "Vastness," are abortions in English verse; and that for the sound reason that the English language has an inordinate number of consonants in proportion to vowels, and consequently piles up an agglomeration of letters in every long line. No other poetry has ever burdened itself with verses of sixty letters and twenty syllables. Such monstrosities in poetry are not verses but tumors. Hardly any modern language is so ill-fitted for them as is our own.

Another tendency which grew on the Laureate with years was the constant resort to trochaic metres (— ⏑), and also to three-syllable feet, such as dactyls (— ⏑ ⏑) or anapæsts (⏑ ⏑ —). We all enjoyed the "May Queen," "Locksley Hall," the "Light Brigade," and felt the quick, eager, and tripping trochees well fitted for a short ballad. But when it came to dactyls in lines of six-

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teen and eighteen syllables, when long-winded metaphysical debates were spun out in verses consisting of seven feet and a half, with twenty syllables and sixty letters—Tennyson or not—the effect is wearisome. The rattle of the three-syllable foot is quite unsuited to philosophical homily. The poet, in his earlier mode, quite felt the futility of English hexameters when he wrote in his "Experiments":

> "When was a harsher sound ever heard, ye Muses, in England?
> When did a frog coarser croak upon our Helicon?"

Although after the "experiment" of "Boädicea," he did not resort to pure hexameters, for which our language is so utterly unfit, he constantly resorted to long lines of *octameters* full of dactyls, the effect of which to our ears is even less pleasing than that of "Boädicea."*

There seems to be very good reason for the more sparing use in English poetry of trochees, dactyls, or anapæsts. The excessive quantity of letters in English syllables, as compared with the classical or Latin tongues, causes an English three-syllable foot to bulk larger, both to the ear and to the eye, than does a Greek, Latin, or Italian three-syllable foot. The first line of the *Iliad* has only eleven consonants; the first line of the *Æneid* has nineteen; the first line of *Paradise Lost* has twenty-one; the first line of "Vastness" has thirty-one consonants. And they tumble over each other, choke the mouth and disturb the eye.

A peculiarity of English speech is the tendency to throw back the accent to the antepenultimate syllable, to clip and hurry the pronunciation, and this especially in the more vulgar language. The trochaic and dactylic metres naturally accentuate this tendency; and, however suited for ballad purposes and for impetuous bursts of emotion, these verses, with the accent on the penultimate and antepenultimate of the foot, are not suited for sustained narration, grave reasoning, and dignity of tone. English heroic verse has always chosen an iambic metre—*i. e.*, feet of two syllables, one short and one long, with the stress on the last syllable,

* The fourth line of "Vastness" scans thus:

1 2 3 4 5 6
What is it | all but a | trouble of | ants in the | gleam of a | million
7 8
million of | suns |

a dactylic octameter catalectic (*i. e.*, cut short).

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not on the first. We could not stand *Paradise Lost* in a dactylic or ballad metre.*

Tennyson has shown himself to have consummate mastery of the iambic metres in all their forms, and all his noblest pieces are so cast. The nature of our language and all the traditions of our poetry point to some of the iambic forms as best for all continuous, grave, and stately poems. And this makes it the more unlucky that he so often abandoned them in his later verses for trochaic and dactylic types, indelibly associated with ballads, burlesques, and even nursery rhymes.†

We may offer these criticisms without at all impugning Tennyson's undoubted claim to be looked on as the supreme poet of the Victorian Era, and one of the chief lyric poets of our English tongue. It is unworthy of him and of ourselves to exalt him to a superhuman pedestal, where it is counted profanity to hint at a weakness or a fault. Like almost all our poets, except Milton, Gray, Coleridge, and Arnold, he published a great deal more than he need have done. Tennyson no doubt published far less of careless, ill-digested, and poor work than almost any of our poets. All of them, except Milton and Gray, sank at times into bathos unworthy of them. This Tennyson never did. But he published much, in his later career, which is inferior to his best. The future will no doubt be content to remember little more than a half, or even a third, of his immense output. Most of his poems would be more effective if they were only half as long as they are. Again, his best work was all completed in the first thirty years of his very long course of active work. But having accepted these provisos, let us make the most of him who was the greatest poet of the last three generations; let us delight in his grace, soothe our spirit in his music, revel in his fantasies, and honor his noble ideals, his pure imagination, his profound seriousness.

FREDERIC HARRISON.

* Suppose it ran in dactyls:

Man's want of | proper ob | edience and | tasting of | disallowed | apples

† The trochaic metre suits:

"John Gilpin," "The Babes in the Wood," "Three Jolly Huntsmen," and "Lord Bateman."

Dactylic metre suits:

'Tis the | voice of the | sluggard I | heard him com | plain

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NOTES ON THE IRISH LAND BILL.

BY T. W. RUSSELL, M.P.

Preliminary.—As it stands, awaiting Second Reading, and allowing for all its drawbacks, the bill is undoubtedly a great, far-reaching, and epoch-making measure. For the first time in the history of Irish agrarian legislation, the total abolition of dual ownership in the soil is frankly contemplated. To achieve this great end Imperial credit is guaranteed to the extent of £100,000,000, and a Grant in Aid by the State of £12,000,000 is provided for the express purpose of facilitating the transfer of the land from owner to occupier. Whether the provisions of the bill are sufficient to complete the great enterprise contemplated by its authors is a matter for discussion hereafter, when the Committee stage is reached. Its success will depend upon a multitude of circumstances, some of which are discussed in these Notes. But frank admission may at once be made of the boldness which inspires its leading provisions; and the hope may also be expressed that the courage of its authors may not fail in the more critical stages of the measure.

The Financial Provisions as they affect Landlord and Tenant.—So far as landlord and tenant are concerned, the question narrows itself to a single and, at first sight, a simple issue. The one asks: "What am I to receive for my property?" The other asks: "What am I to pay for the freehold of the land I cultivate and partly own"? The bill, with its ninety clauses, really centres in the reply to these two questions, and the first thing to be done is to discover and make plain the exact plan of the measure so far as these two points are concerned. Put in the shape of propositions the proposals of the Government are as follows:

1. In the case of purchase of First Term Rents, *i. e.*, rents fixed by the Land Court for the first statutory period of fifteen years—

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the terminable annuities to be paid by the tenant purchaser must be at least 20, and not more than 40, per cent. below the rent;

2. In the case of purchasers of Second Term Rents, the terminable annuity to be paid by the tenant purchaser must be at least 10, and not more than 30, per cent. below the rent.

The price, it will be observed, is to be matter of negotiation and arrangement between landlord and tenant, between the vendor and the purchaser. If the parties agree, within the prescribed limits, there is no more to be said. The provision of the bill on this head is mandatory. If the tenant purchaser is "in occupation of the holding," and the purchase is within the prescribed limits, the Land Commission "*shall* sanction the advance." The first question which presents itself at this point, if the price is to be matter of bargain between landlord and tenant—a thing, by the way, which the Land Conference did not contemplate—is, Why should any maximum limit be fixed? Why limit the bargaining power of vendor and purchaser? There is infinite variety in Irish land and in the circumstances of Irish landowners. Why then should this rigid limit be enforced? Why, by fixing a maximum reduction, should we really fix a minimum price? If there be landlords willing, under all the circumstances of the case, to give a larger abatement than 40 per cent. on First Term or 30 per cent. on Second Term rents, why should they be restrained? Clearly, the maximum ought either wholly to disappear, or it ought to be reduced say to 50 in the one case and to 40 in the other.

The Case of Rents not Fixed by Judicial Authority.—The bill is quite clear in regard to rents fixed by judicial authority. It is otherwise in regard to rents not so fixed. There are, for example, many thousands of future tenants—*i. e.*, tenants excluded from the rent-fixing clauses of the Land Bill of 1881. There are also thousands of tenants who have never gone into the Land Courts, who, it may be, have been kept out by arrears, and owing to other causes. Is the "existing rent" referred to in Clause I, to be the basis of agreement in all such cases? If so, a manifest injustice will be done to thousands of tenants. Again, thousands of tenants have not gone into court because their rents were not rack-rents, and because their landlord allowed annual abatements. Is no account to be taken, in fixing the purchase price, of such abatements? These questions raise a very serious issue which has

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apparently been overlooked, but which must be faced and dealt with in Committee on the bill.

The Question of Number of Years Purchase to be Paid under the Bill.—Having thus made clear the basis of purchase provided in the bill, another step may now be taken. The Government, following the procedure of the Land Conference, has not dealt with the question of price from the standpoint of any number of years' purchase of the rent. The basis of their scheme is not what number of years' purchase of the rent the tenant purchaser will pay; it is much more simple, and, in the main, more important—viz.: What will be the money difference between the First or Second Term rent which the tenant now pays and the Terminable Annuity under the bill which will carry the freehold? But in Ireland the rooted habit is to calculate the terms upon the basis of the number of years' purchase, and upon this basis alone. I think the habit is fallacious, and that, in the past, it has resulted in advantageous bargains being set aside. But, whether men like it or not, the question will assume this shape. The Chief Secretary for Ireland, and Irish members generally, will have to say what the terms proposed by the bill are, when reduced to years' purchase of the rent.

Let two supposititious cases therefore be taken.

Assume, first, that a tenant with a Second Term rent of £100 has arranged with his landlord to buy, under the provisions of the bill, at 20 per cent. reduction. This would mean that a terminable annuity of £80 would take the place of a Second Term rent of £100. But, under the bill, this would practically mean 25 years' purchase of the rent. I ignore for the time being, and purposely, the irredeemable character of one-eighth of the advance, and treat the matter upon the basis of the freehold being conveyed to the purchaser as under the present Acts. This may look a good bargain on paper. But it will stagger the ordinary tenant farmer alike of the North and South. Is it necessary for the tenant to pay such a price? The aim, of course, is two-fold—to enable the landlord to sell without appreciable loss of income and to keep down the amount of the State Grant. Is this price necessary even for such a purpose? No doubt, the tenant need not buy; he is not compelled to do so; or he may insist upon the maximum reduction in the bill of 30 per cent. But, assuming a desire to sell upon the part of the landlord, and a corre-

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sponding desire to purchase on the part of the tenant, let us see what is possible. Take, as the second illustration, the same Second Term rent of £100. The landlord sells and the tenant buys at a rate which means 23 years' purchase of this rent. Twenty-three years' purchase of £100 produces a capital sum of £2,300. The landlord gets this sum in coin of the realm. What is he to do with it? Let us assume—what may safely be assumed in regard to three-fifths of Irish properties—that this holding is part of a Settled Estate. Can this capital sum be legally invested, so that the vendor shall not be penalized by this great national settlement? This is the problem to be solved—not in this individual case alone, but over the entire country. And, in this connection, it is all important to note that, under section 46 of the bill, it is proposed to widen and extend the powers of Trustees as to the investment of the purchase money, and lists of investments are to be prepared and issued by the rule-making authority under the Judicature Act of 1887. Under such powers it will certainly be possible for a selling landlord, even where he is the owner of an estate subject to the Settled Land Acts, to invest the purchase money at 3½ per cent. Absolute owners can, of course, invest as they think fit. The investment of £2,300 at 3½ per cent. will produce £80 10*s.* annually. Taking the Grant in Aid in this case at 10 per cent., which is the mean between 5 and 15 per cent. prescribed in the schedule to the bill, the sum accruing would amount to £230. Assuming the vendor to be a man of ordinary prudence, this money—which, by the way, is not subject to the Settled Land Acts—could easily, and with perfect safety, be invested at 4 per cent., producing an annual sum of £9 4*s.* This amount, added to the interest derivable from the capital sum, makes a total of £89 14*s.*, or, say, £90, as against the Second Term rent of £100—showing a loss, it will be said, of £10 per annum on the transaction. The loss, however, is apparent, rather than real. At the Land Conference the Irish landlords consented to an abatement of income of 10 per cent. on account of cost of collection. The Landowners' Convention agreed to and confirmed this finding. And, allowing 10 per cent. for this purpose, and taking 3½ per cent. as a reasonable investment, it will be seen that 23 years' purchase secures the landlord an income equal to his second term rent, and a much safer income to boot, without a shilling of loss. This calculation involves no alteration in the terms of the bill

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as to repayment. The £2,300 can be redeemed in 69 years by a sinking-fund of 10 per cent. on an annual payment of 3¼ per cent. It goes without saying that 10 per cent. is not an adequate allowance for the outgoings upon any estate, and that, therefore, with 23 years' purchase, the way out is safe, just, and easy for the landlord. It has been assumed for the purposes of this calculation that the estate of which this holding forms part, is unencumbered—a somewhat rare thing in Ireland. But it follows that with an encumbered estate the owner comes out much better.

The Costs of Proving Title and Transfer.—These figures are not open to question. The landlord may, indeed, say that he would prefer a 3 per cent. investment as recommended by the Land Conference. No doubt. But, apart from the question that the Land Conference practically gave the Irish landlords a gilt-edged security for what, in the main, is a most precarious investment, the Conference recommendation was certainly not made on any assumption that the tenant was to pay more than a fair price for the land. It was made rather on the assumption that the State bonus would permit of liberal terms to the landlord being carried into effect. And anything that would screw up the price for the tenant in order that the security of the landlord should be inflated, would be at once unfair to the tenant and dangerous to the State as imperilling its security.

Taking a general view of this, the main feature of the bill in my opinion—and it may be taken to represent that of the average Ulster farmer—is:

That, inasmuch as any landlord can sell without loss of actual income at 23 years' purchase of the Second Term rent, tenants ought to be careful in making arrangements for purchase under the bill, not to exceed this limit. In my judgment it would be unsafe, looking at the procedure of the Land Commission as regards the fixing of Second Term rents, since the Report of the Land Conference was issued, to go beyond this rate. A rate varying from 21 to 23 years of the Second Term rent is possible. Anything beyond this limit would constitute an undue burden on the tenant, a source of danger to the State.

The Burden upon the Tax-payer.—The burden sought to be placed upon the general tax-payer by the bill is, no doubt, serious, and deserves consideration. It is of a two-fold character, consisting first of credit, and secondly of cash. It is contemplated

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that, to complete the work aimed at, credit to the amount of £100,000,000 will be required. The landlords are to be paid in cash. In order to raise the necessary money, a "New Guaranteed 2¾ per cent. Stock" is to be created, and, in so far as this is done, Ireland undoubtedly receives the great benefit attached to Imperial credit. But it would be a pure delusion to imagine that the tax-payer runs any appreciable risk, or that he stands to incur any loss in these transactions. Any loss that may arise in the "flotation" operations in regard to this stock is to be made good out of the "Irish Development Fund," and a sum of £50,000 a year for four years is to be taken out of this Irish fund for the purpose. Then all the Imperial contributions to local rates in Ireland are turned into the Guarantee Fund, and made available to repair any loss that may arise. But a better security, perhaps, than these material provisions is to be found in the fact that, out of £23,000,000 already advanced under the various Purchase Acts, there has been absolutely nothing lost—Mr. Wyndham has no bad debts. There is nothing to be said as regards risk on the Bonus or Grant in Aid. Mr. Wyndham in giving a State Grant for this purpose is simply repeating the well-known fiscal operation of Mr. Gladstone in the fifties. It will be remembered that during that period Mr. Gladstone first imposed the income tax upon Ireland, and, as a solatium, wiped out the balance of the Famine Loans. The one was a permanent and, as it has proved, an increasing tax. The Famine Loans were a fixed sum, and the debt was in process of payment. It was generous, no doubt, from the English standpoint, at the time. But the income tax has cost Ireland £50,000,000 since then. The Famine Loans were a trifle of some £3,000,000. And, Mr. Wyndham, profiting by the lesson, now proposes to grant £12,000,000 as a State Bonus to the Irish landlords. This is, no doubt, a generous gift. But it is only a temporary burden on the tax-payer. At the first, the sum required, we are assured, will not exceed £390,000 a year. But the Chief Secretary, to meet this, proposes to cut down Irish expenditure permanently by £250,000 a year. This is not a bad bargain for the aggrieved British tax-payer. Despite the figures, he will, no doubt, continue to think that he is the most generous person in the world. What he really does under the bill is to permit Ireland to get rid, at her own expense, of an infamous English land system, which has poisoned her whole national life.

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The Denial of the Freehold.—The bill now under discussion differs from all its predecessors in one important particular. All previous Land Purchase measures conveyed the freehold of the land to the purchaser. This bill does not pretend to do so. The purchasing tenant pays a terminable annuity on account of seven-eighths of the property. The remaining eighth is irredeemable, and constitutes a perpetual rent charge payable to the Crown. What is meant by this change in procedure? It is affirmed that the Government finds it absolutely necessary to control mortgaging, subdivision, and subletting. These are all matters of vital moment. It is imperatively necessary that this control should exist. But Sections 49, 50 and 51 provide in the most stringent manner for these very things. Under Section 49, "the proprietor of the holding shall not, without the consent of the Land Commission, mortgage or charge the holding or any part thereof for any sum exceeding ten times the rateable value thereof." And any excess of this limit is declared to be null and void. The same section provides against subdivision, and seeks to enact that "any holding subdivided without the consent of the Land Commission may be sold." These things being provided for in this way, what is the object of special State control? If such control must exist, would not a nominal quit-rent be effective for the purpose? Why destroy that sense of ownership which Arthur Young a century ago said "turned sand into gold"? And how are the proceeds of this eighth to be applied? The bill is silent on this point. Are they to go in relief of local rates, or in relief of the British Treasury? This is a provision designed, no doubt, for a good purpose. It is wholly unnecessary in its present form and ought to be resisted.

The Question of Decadal Reductions.—The method of repaying the advance by the tenant is one of the least satisfactory parts of the bill. The first Land Purchase Act—that of 1885—was a model of simplicity. It provided for the advance of the whole of the purchase money, the tenant repaying the entire advance, including interest, in 49 years by means of a 4 per cent. annuity. Under the Act of 1896, this simple method was altered, and, by a rearrangement of the terms of repayment to 73 years, what are called Decadal Reductions were allowed—stock being taken at the close of each of three decennial periods, and a new account opened. This method involved a considerable lengthening of the

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period of repayment—from 49 to 73 years. But the Irish tenant purchaser had no strong views upon this point. Indeed, as a rule, he has shown, by accepting the decadal system, which was purely optional, that he prefers posterity to bear its share of the burden. The great recommendation of the system was that it gives three ten per cent. reductions during the first thirty years of the agreement. This was not only a considerable matter for the small purchaser. It was a great security for the State. It is unfortunate that the terms of the bill necessitate the abolition of the decadal system. With the period of 68½ years for repaying as fixed and a sinking-fund of 10 per cent., it would be impossible to increase the period to the extent necessary to warrant the maintenance of the reductions. But there will probably be a great effort made to alter the whole plan of the bill, both as regards the purchase price and the method of repayment.

The Question of Compulsion for the Tenants.—The framers of the bill have, to a very large extent, steered clear of any attack upon the rights of the tenantry under the Act of 1881. The storm raised upon clause 36 of the bill of last session has secured this measure of immunity, although it would be unwise to conclude that all danger is over on this head. The House of Lords has still to be reckoned with. But the question of the tenants' rights under the Act of 1881 is distinctly raised under Section 17 and one or two sub-sections of the bill. This section reads thus:

"Where an estate is purchased by the Land Commission, and (*a*) tenants on the estate, to the extent of three-fourths in number and rateable value, have agreed to purchase their holdings; or (*b*) the Lord Lieutenant has dispensed with the condition as to undertakings to purchase holdings, and a majority in number of the tenants have agreed to purchase their holdings, no proceedings to fix the fair rent of any holding on the estate shall be taken or continued."

The recalcitrant minority upon all such estates will be, after purchase, the tenants of the Land Commission; and the pressure applied by the clause is clearly intended to penalize all such tenants, and so avoid the difficulty of the Land Commission acting as the State landlord in such cases. Apart from the reluctance to permit any infringement of the provisions of the Act of 1881, there does not appear to be any great difficulty in applying pressure to a minority of one-fourth. Clearly the line must be

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drawn somewhere in all such cases. A small minority on any estate ought not to be permitted to prevent, or even to endanger, purchase on the part of the great majority. But the question is wholly different when, by the intervention of the Lord Lieutenant, a simple majority can over-ride everything—when 51 men can penalize 49. It is curious also to note that the tenants who refuse to buy are alone sought to be penalized. There is no provision for penalizing landlords who refuse to sell. Suppose it were sought to be enacted that landlords refusing to sell should receive rent on the scale of the purchase annuties in their vicinity, what would be said? Or again, what would be said to any proposal that would compel a landlord, after he had moved and put the Land Commission to the heavy expense of inspection, to sell upon the terms named by that Department? The path of safety clearly points in the direction of putting no pressure upon the tenant, unless corresponding pressure is applied to the landlord.

The Congested Districts Problem.—It will probably be found, when the bill is closely and critically examined, that the question of the Congested Districts has been grasped by a nerveless hand. It is true that the income of the Congested Districts Board is increased by £20,000. This additional income, however, comes out of a fund as distinctly Irish as the Church Surplus is Irish. And, with all the talk of English generosity, it will be found that, ultimately, so far as this question is concerned, Ireland will be called upon to pay to the uttermost farthing for her own redemption. It is also true that under Section 2 very valuable provisions are sought to be included. Under this section small holdings may be enlarged. The son of a tenant may purchase untenanted land. Tenants in the vicinity of untenanted land may also purchase. Tenants evicted since 1879, and caretakers, may also become the purchasers either of their old or of new holdings. Notwithstanding limitations which may probably be wholly or partially removed, these provisions are valuable. And, again, the Land Commission may purchase congested estates even at a loss, and spend money upon their improvement pending resale to the tenants. But the resettlement of the West has still to be faced. There is no adequate reorganization of the Congested Districts Board itself. There are no compulsory powers granted for the acquisition of those grass ranches which stand between the people and decent lives. So far as this—in every respect the most acute part

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of the entire problem—is concerned, the bill is but a beginning, let us hope, of better things.

Administration of the Act.—On this vital point it is only fair to say that no mistake has been made. During the past thirty years, Parliament has been engaged in passing measures for the relief of tenants. These measures have invariably been committed to landlords to administer, and the result is well known. But in this case a new and most wholesome departure has been undoubtedly made. The Commissioners named need not be described as unexceptionable. There is no necessity for exaggeration. Mr. Wrench is, of course, a landlords' man. But there must, of necessity, be a representative of the landlords upon the Commission. Mr. Wrench is a man who has had wide experience as a Land Commissioner, and he is a gentleman quite capable of taking broad views of things, if it should happen to be necessary to do so. Mr. Finucane may safely be taken as the nominee of Sir Anthony McDonnell, and any one who had a share in the great agrarian work carried through by Sir Anthony in India may well be taken on trust; whilst Mr. W. F. Bailey is well known throughout Ireland, and especially in Ulster, as perhaps the most efficient and experienced of all the men on the staff of the Land Commission. There is, however, one serious flaw to be noticed in this connection. The work of these gentlemen is to be purely administrative and, therefore, will be subject to review in Parliament. Their appointment should, therefore, be subject to "good behavior," not "during pleasure."

The Question of the Laborers.—Upon this serious issue, the bill wholly fails. In the month of February last, Mr. William Moore, K.C., M.P., speaking at the South-Antrim election, stated that he was authorized to announce that a Laborers' bill would be introduced during the present session by the Government. Mr. Moore happens to be one of Mr. Wyndham's private secretaries, and therefore his words had more weight than they would have otherwise carried. But Part IV. of the bill completely dashes any hopes that the laborers may have entertained. Apart from widening the definition of the term "agricultural laborer," the bill does nothing for this class. And there cannot be a doubt that the failure of the Government to deal effectively with this part of the question will give rise to serious trouble in, at least, the province of Ulster, where the operation of the Laborers' Acts has,

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to a large extent, been rendered nugatory by the action of the local authorities.

The Application of the Bonus.—By the first schedule of the bill the application of the State Grant in Aid is regulated. By universal consent this schedule must be improved out of existence. It proposes, beginning with the estates where the purchase money is £5,000, to allow 15 per cent. as a bonus. It ends with estates where the purchase money is £40,000, and it reduces the bonus by a sliding scale to 5 per cent. Any such arrangement must work injustice. And the question presents itself irresistibly, Why should not the bonus be so used as to induce sales quickly? Why not propose a bonus of 10 per cent. on all estates noticed for sale within twelve months from the passing of the act, lessening it to a smaller sum after that period? This would, of course, be compulsion by inducement or attraction. But the country has a right to know as soon as possible the exact amount of its liability in this respect. And the tenants have an equal right to know who the landlords are who intend to sell, and who are determined to resist all inducement.

General Provisions.—There is a great multitude of important minor provisions in the bill concerning which detailed comment is unnecessary. The Land Judges Court, for example, is dealt with, and, it must be said, most inadequately. This is one of the great blots on the bill. A landlord can secure an advance upon demesne and other land in his possession. Untenanted land may be purchased to facilitate sale or redistribution of holdings. Superior rights are vested in the Crown. Sub-tenants may purchase in certain cases. An owner capable of selling is a person who has received rent for six years; but, whilst this fact gives such a person title to sell, it does not give title to the purchase-money should other claimants arise. Regulations as to turbary are provided. Boundary and other disputes may be settled by the Land Commission. Superior interests are provided for. And, finally, the Land Law portion of last year's bill is inserted almost bodily into the present measure.

Provisions as to Land Law.—By Section 77 a Sub-Commission shall, for the purpose of hearing any appeal under the Land Law Acts, consist in future of one legal Assistant-Commissioner and one lay Assistant-Commissioner. A qualified lay assessor shall sit in future with one Judicial Commissioner to hear appeals. In

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cases of fixing a fair rent, where the rent is under five pounds, it may be fixed on the report of a single valuer, no appeal being allowed save on one or other of the following conditions:

(1) That the applicant is not entitled to have a fair rent fixed;

(2) That the conditional order is bad on the face of it; or

(3) That the rent has been varied more than 20 per cent.

This is a matter that will require a good deal of consideration before sanction is given. Indeed, it might be safer to drop this part of the bill entirely. But none of these points is of the essence of the bill.

The great issues upon which hang all the law and the prophets may thus be defined:

First. Will £12,000,000 bridge the gap between the sum which the tenant, in justice to himself, and with safety to the State, can afford to pay, and the sum which the landlord, under all the circumstances of the case, can afford to accept?

In attempting to answer this question, I frankly avow that I could have wished the Grant in Aid had been at least £16,000,000. The increase would have made a mighty difference in the smooth working of the measure. And I am one of those who firmly believe that Irish economies could have easily been increased from £250,000 to the extent of £500,000 a year so as to justify the increased sum. But it is ungracious to look a gift horse in the mouth. It is unfair not to recognize the extreme difficulties of the financial situation. And, seeing that the process of transfer must for financial reasons be slow at first, and that, once started, this peaceful revolution can never be stopped for want of money, I am disposed to acquiesce in the amount of the grant—expressing my belief that it will, in the end, be found inadequate to complete the work.

Secondly. Can the financial arrangements of the bill as to the price to be paid for the freehold by the tenant, be so arranged as to secure that the maximum price on the Second Term rents shall be 23 years' purchase? I believe this can be done without risk to the State and, as has been shown, with perfect fairness to the selling landlord. If the bill can be so amended as to secure this, with the decadal system restored as in the Act of 1896, then success is assured.

Thirdly. The unsolved problem of compulsion undoubtedly raises a most serious question. I now find large numbers of men

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hitherto strongly opposed to compulsory sale declaring that a complete settlement cannot be secured without compulsion, and that it is not worth while paying for anything that is not complete and final. These latter-day converts to compulsion are logical to a degree. But those of us who have borne the burden and heat of a hard fight, and who sincerely desire to see this question settled, may be pardoned if we hesitate about substituting what is, at present, an impossible "best" for that which is undoubtedly a possible "good." This bill when it becomes a Statute of the Realm will aim at making it the interest of every landlord to sell, and the interest of every tenant to buy. It is, of course, quite certain that there are Irish landlords who will refuse to sell upon any terms—landlords whose feudal ideas and whose financial resources have survived even the strain of the Irish Land Acts. It may even be that there are others actuated by no such ideas, men for whom the inducements of the bill will not suffice. All this, doubtless, will come about. But in the not distant future the position of such landlords, and of their tenants as well, will be an impossible position. It cannot endure, and sentence will be passed upon all such men.

Finally, the bill will require the closest scrutiny before the Committee stage. Amendments such as have been indicated here and others must be framed and passed. But, subject to such amendments, the bill, in my opinion, gives promise of a future for Ireland that may well rejoice the hearts of all who love the country and desire its welfare.

T. W. Russell.

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A PROTOTYPE OF LATIN-AMERICAN MISGOVERNMENT

BY MARRION WILCOX.

DE QUINCEY'S "Spirit of Merciful Interpretation" is not always invoked when citizens of different republics in America express their opinions of each other. In the April number of this REVIEW, a writer who discusses the question, "Is the Monroe Doctrine a Bar to Civilization?" and who signs himself "An American Business Man," offers as a target for scorn a people rich in faults, interesting, and surely to be reckoned with. We have not often read an account of the institutions in a majority of the American republics which, at first view, appeared to be more unfavorable; yet the article is undeniably a sincere expression, and if we find it resentful rather than judicial in tone, that may be partly because we cannot forget the writer's obligation as a citizen of that one of the American republics which is naturally and properly expected to be generous on a grand scale, in its judgments as in its dealings,—the United States.

Fortunately, another article in the same number of the REVIEW—the article entitled "A Gallery of Portraits," by Professor Goldwin Smith—may serve to remind us that discouraging conditions, like those which exist in parts of Latin-America, prevailed in England during the long years of the Tudor despotism, which, nevertheless, culminated in the brilliant Elizabethan period. Thus, for example, "An American Business Man" tells us that constitutions and laws in Latin-America are set aside by the decrees of dictators and military despots; that members of the legislatures are not elected in the manner prescribed by the constitution, but are appointed by the dictator and selected to do his bidding. But Professor Goldwin Smith says that, during the reign of Henry VIII., Wolsey tried to rule without Parliaments,

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while Thomas Cromwell's policy was to rule through an enslaved Parliament. At the dictation of the Crown, Parliament passed acts "for putting the victims of royal displeasure to death without a trial; it passed an act authorizing the King to repudiate his debts and compelling those who had been paid to refund the payments;" it gave the King's proclamations the force of law, and "enabled a King on reaching the age of twenty-four to cancel acts of Parliament made before his attainment of that age." At Thomas Cromwell's command, the mayor of a town set aside representatives who had been duly elected, appointing others more pleasing to the Crown in their place. A Parliament which passed a repudiation act was packed with the King's servants. The Peers were not less servile than the Commons; while juries were to such a degree servile that the trial of a Crown victim was the mere registration of the decree of death.

A further comparison of passages from the two articles may well be made, if only to cast some merciful doubt upon "An American Business Man's" conclusion, that "there will be no peace in the Western Hemisphere" until "Germany, England and the United States take joint possession and control of all Latin-American countries, except the three previously mentioned [Mexico, Chile, and Argentina], and govern them in the same manner as these nations govern their dependencies." Is it necessary, or has it in the past been customary, to decide that nations are incapable of self-help, and must therefore be taken possession of and governed as dependencies, when their rulers are adjudged guilty of such offences as this writer imputes to the ruling class in South America? Or has this critic, perhaps, discovered conditions which are wholly exceptional and unprecedented? Let us see.

He says:

> "There are in these countries many able scholars and fine lawyers, who constitute the material for a creditable judiciary; but, unfortunately, even this department of the government is at the mercy of these brutal, ignorant, corrupt, vicious, and wholly intolerable despots. Lawyers of character and ability are not wanted as judges, and they would fear to accept such positions, if tendered to them."

Professor Goldwin Smith says that the English judiciary of Henry the Eighth's day was at the mercy of a King whom he

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characterizes as a "brutal despot and gross voluptuary," "habitually guilty not only of the greatest but of the meanest crimes; of fraud, lying and robbery, as well as of tyranny and judicial murder." Solicitor-General Rich "by the most infamous treachery" procured evidence to be used against Sir Thomas More; and "the King completed the exhibition of his character by seizing the goods of his murdered friend and turning More's widow out of her home." And in this connection we must not overlook Thomas Cromwell, "thorough-paced" villain, who "deliberately set down his criminal intentions in his memorandum book"; who "combined the chicane of the law with the ferocity of a mercenary camp," and, "it is almost needless to add, was corrupt and accumulated wealth by foul means"; whose appearance, we are told, warned the beholder, for nature had bestowed upon him "a small and cruel mouth, an extraordinary long upper lip, and a pair of gray eyes set closely together, and moving restlessly under his light eyebrows."

The military chieftains of Latin-America are charged by their latest critic with outrageous misconduct in their relations with women of the better class. Turning now to Professor Goldwin Smith's article, we read:

"The narrative of the divorce of Henry VIII. from Catherine of Aragon is about as dirty an episode as can be found in history. . . . That conscience had little to do with the matter is surely proved by Henry's whole conduct throughout the affair; by the tricks which he played, the lies which he told, the foul means which he employed to obtain opinion in his favor; by his attempt to steal an important document; above all, by his brutal behavior to his wife in openly installing his mistress as Queen designate at her side. His pretended uneasiness because Catherine of Aragon had been his brother's wife assumes a curious aspect when it is known, as it certainly is, that Anne Boleyn's sister had been his mistress."

While one of these two writers refers to "that high and mighty way which only a Latin-American can emulate," the other speaks of Henry's "arrogant self-esteem." The former deplores the lack of good faith among the southern republics and their citizens; the latter more pointedly declares that in England Lord Rochfort was judicially murdered in order to give color to a "hideous lie," and that "there is reason to believe that Henry even thought of putting his daughter to death for her resolute refusal to betray

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her mother's cause." Extortion, also, is one of the themes discussed in both of these articles. "An American Business Man" says: "The extravagant ideas, and consequent demands of the average military Jefe are past belief, and the sums of money he squanders are limited only by his ability to squeeze the English or German merchant." Professor Goldwin Smith observes that the enormous treasure which Henry VII. left to his son was accumulated "largely by chicanery and extortion"; and, of the dissolution of the monasteries by that son's chosen instrument, Thomas Cromwell, he says: "Cromwell's commissioners of inquiry were rogues, whose mission was simply to find warrants for rapine." A small part of the wealth thus confiscated was used in constructing public works, "but far the greatest part was either squandered by Henry himself in court luxury, ostentation, and the gambling to which he was greatly addicted, or lavished on the satellites of the court. . . . Violence, characteristic of marauders rather than of statesmen, marked the whole course of the revolution." Oppressive proceedings on the part of Latin-American "tyrants"—reaching even to imprisonment, confiscation of property, and "insulting and terrifying the family" of any one who stubbornly refuses to be bullied and robbed—are noted by "An American Business Man." Professor Goldwin Smith says that, when attempts to decoy, kidnap, and assassinate Cardinal Pole had failed, "the King had to be content with murdering the Cardinal's aged mother, the Countess of Salisbury, and some of his relatives."

We know that the disorders and the misgovernment characteristic of England at the time under consideration did not strike sixteenth-century critics and observers as being temporary; in fact, now that we can measure the duration of that period, we see that it lasted at least from the battle of Bosworth, in 1485, to the accession of Elizabeth, in 1558. Professor Goldwin Smith would, indeed, extend its limits by an additional seventy years. He says: "The brilliant buccaneering of Henry V. in France [*i. e.*, from 1415] bred in the English aristocracy and people the spirit of violence and rapine which brought on the Wars of the Roses. Exhaustion, prostration, and Tudor despotism were the natural result." In other words, the profound darkness immediately preceding the dawn of modern England had to be endured from 1415 to 1558—that is, for a period longer than the

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whole life of the Central and South-American republics, from the winning of their independence to the present day. In England, as in Latin-America, the people of gentle birth, or splendid talents, like Sir Thomas More, were the chief sufferers. "The despotism sedulously decimated and suppressed them, while it brought forward new men, an aristocracy of placemen owing everything to the Crown." The spiritual life of England was regulated by a King "personally steeped in vice and crime"—a pitch of presumption beyond the daring of Latin-American rulers. In the court of Henry VIII., "ambition and greed trampled not only on justice and humanity, but on natural affection." The Earl of Surrey, a poet, "a harbinger of the Elizabethan era," when on trial for his life, found that the chief witness against him was his own sister. The Duke of Norfolk bore "a conspicuous part in the judicial murder of his own niece."

Thus far, we find all the distressing conditions or atrocities in Latin-America, as "An American Business Man" views them, matched or outdone in Professor Goldwin Smith's comments on a gallery of English portraits; but in one respect the censor of abuses in England under the Tudors is left far behind. There is nothing else in either article so calculated to harrow the feelings of American readers as the following statements that the "American Business Man" makes about American consuls: If a traveller, he says, "appeals to the American consul for aid [when suffering from the tyranny of some unspecified Latin-American government], the chances are *seven to one* that the mouth of that dignitary has long been stopped by government concessions, or that he is an actual party to the intrigues." Again: "The mouths of most American consuls are stopped by one species of favoritism or another, usually in the form of worthless government concessions; and the chief occupation of many of these worthies is, apparently, to palm off such green goods on those of their countrymen who come within the sphere of their influence." "The military Jefe knows that, whatever atrocities he may commit, there will be no mention made of them in Washington," because the American consuls have been bribed to withhold information.

Seven arrant knaves to one honest man among these representatives of our Department of State! The proportion of rascality is so unexpectedly large that we should consider the "seven" a mere figure of speech, were it not practically repeated or empha-

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sized in several other passages. We are obliged to conclude that this assertion is entitled to equal credit with the writer's allegations of gross misconduct on the part of the natives of those countries—or, rather, on the part of a class which, he says, does not comprise more than ten per cent. of the total population of any Latin-American country.

For ninety per cent. of the inhabitants of the South and Central-American republics, "An American Business man" has only words of praise. The Spaniards of pure blood, he says, "as a class, are cultured, highly civilized, religious, hospitable, many of them of literary attainments and scholarly pursuits. . . . They do not take any part in politics, nor desire positions under the government." The peons, laborers, small traders, cattle-men, fishermen, woodsmen, mechanics—or perhaps more than eighty per cent. of the total population, "as a rule, are exceedingly simple-minded, honest, kind-hearted peasants, fairly industrious, and much more intelligent than the peonage [peasantry?] of most other countries. They dread war, take to the woods at the slightest intimation of trouble, have nothing to do with politics, and pray to be left alone to live in peace. In habits these people are simple, in manners polite and hospitable, and but little drunkenness and crime are found among them. They are the most docile and easily managed people in the world." The pure Indians, though, in fact, they outnumber all other elements in some Central-American states, he dismisses as "unimportant" (because at the moment he is thinking only of South America), and then he attacks the remaining ten per cent., "the ruling class," the class that "makes all the trouble, is responsible for the rapine, bloodshed, murders, revolutions and anarchy, which have so long disgraced Latin-America." Such is his remarkable assertion.

Bitter in the extreme is his characterization of the trouble-makers:

> "This class, as a rule, represents a mixture of Spanish and Indian blood, oftentimes with a heavy sprinkling of negro, and sometimes of other elements. He who originated the formula for the composition of this class must have laughed grimly when he finished his work; for one might study chemistry for a thousand years without being able to devise such an atrocious composition. . . . It is of this class that the so-called 'governments' of these countries are formed."

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We learn, therefore, that a relatively small number of adventurers, in control of the political machinery, occasioned the resentment which "An American Business Man" has so forcibly expressed. According to his own figures and his description of social classes, nine-tenths of the people of Latin-America are worthy of respect, the aristocracy and the peasantry being, each in its way, rather ideal; for he evidently thinks them singularly free from the worst faults of the corresponding classes in Europe.

We need not inquire at present whether this tribute is wholly or but in part deserved, the important fact being that it is actually offered by one who "has spent much of the last ten years in South America." Let us welcome the favorable admissions of such a competent witness, and keep them in mind while considering his chief generalizations.

First, he does not think that "our brethren" of Latin-America are "animated by high ambitions and noble resolves, struggling upward like ourselves." True: they are not struggling upward exactly like ourselves, for they are in an earlier stage of social evolution. The difficulties which beset them are much greater; their unpreparedness is more noticeable than was our own, even during the early decades of our existence as an independent nation. But the very harshest judgment that any one of us could be justified in passing upon them would be to the effect that their ambitions, resolves, and struggles are like those of our English ancestors in the period of transition between the Middle Ages and modern times. If the mediæval misconduct of the ruling class is much more in evidence than the progress of the mass of the people, surely a student of history should not fail to make due allowance for the latter, any more than he hesitates to denounce the former. When we read in the criticism now before us that "the travesty on government" in Latin-American countries appears to be a permanent evil, rather than a product of abnormal and temporary conditions, we reflect that the struggle often seemed hopeless in England also; and yet, after the peaceful accession of Elizabeth, right soon there began a brilliant period which produced the finest flowers of English genius. It is not necessary to assume that the evolutionary process transforming social conditions in Latin-America will be intolerably long. Even an exasperated censor admits that an uncommonly large percentage of the people have virtues which, it seems to us,

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make the outlook fairly encouraging. Mediævalism in government may be replaced by modern regularity in the administration of the affairs of the republics, since the latter condition is desired by nine-tenths of their people. The writer also admits that progress in this respect has reached a satisfactory point in Mexico, Chile, and Argentina. We ask: Is Costa Rica so far behind? Has not Cuba given proof that she possesses elements of stability, with not a little talent for self-government? Now, why may not the more backward republics be expected to advance in their turn?

A fact never to be ignored by any student of Latin-American politics is this: The Central and South-American states were not founded by industrial communities or peaceful settlers, such as formed the colonies in North America, but by conquerors *(conquistadores)*, warlike adventurers who sailed from the Iberian peninsula to despoil the New World, precisely in that rough period when Henry VII. of England was accumulating a treasure of £2,000,000 by extortion. The friends of Latin-America in the United States may be allowed to extract some comfort from the reflection that the abuses which exist are not a vigorous new growth, but belong to the old order of things destined to pass away; that the characteristic faults of the sixteenth-century conquerors and rulers have been perpetuated by a limited class only, and only in those republics which are oppressed by political adventurers as the colonies from which they sprang were oppressed by viceroys and governors sent from Europe. But a Pedrarías Davila is not to be found among these persons who "make all the trouble." We realize the improvement that has taken place when we contrast widely separated periods in the history of the same regions; and it is quite certain that in recent years progress, in nearly all parts of South and Central America, has been decidedly more rapid than ever before, as a result of the pressure of public opinion at home and abroad, which grows stronger every year with the increase of immigration and the extension of commercial relations.

Second, "An American Business Man" says: "The intelligent observer discovers that he is outside the bounds of civilization . . . within forty-eight hours after setting foot on the soil of any Latin-American country, with the exception of Mexico, Chile, and the Argentine Republic." But let us suppose the

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subject of the intelligent observer's comments to be any one of the countries of Europe which stand as exponents of civilization: would it be permissible for him to praise the aristocracy and peasantry of France, England, or Germany in qualified terms such as "An American Business Man" applies to the peons and Spaniards of pure blood in South America, with no imputation of degeneracy in the upper class or of brutalization among the lower orders? Could he say of a "civilized" nation that "*all* the trouble" was made by a small fraction of the population, while nine-tenths were "cultured, religious, hospitable," or "honest, kind-hearted, intelligent, polite, comparatively free from drunkenness and crime—the most docile and easily managed people in the world"? We do not wish to bear unduly upon this point; but is it proper to speak of people who are made the subjects of such commendation as being "outside the bounds of civilization"? The inhabitants of those countries which are least progressive, submitting to the misrule of bullies (who are, after all, but a sixteenth-century variant of our own political "bosses"), although the remedy is in their own hands and clearly indicated in their national constitutions, certainly will be held responsible for weak acquiescence in evil conditions if they permit wrongdoing to continue; but it is as unfair to judge of all Latin-America from unworthy officials in the least fortunate states as it would be for Latin-America to judge of the United States from our consuls—if the latter have not been maligned.

Third, "An American Business Man" thinks that the United States condemns the great continent of South America to "*everlasting* barbarism" by refusing to allow the European Powers to encroach upon its territory, or to acquire such control of any part of it as would in its effect be equal to territorial aggrandizement. Our government, he asserts, is "the *confrère* of thieves and brigands," thanks to the Monroe Doctrine: we must either police all of Latin-America ourselves (such is the offensive suggestion actually made), or, as the sole alternative, act in conjunction with Germany and England, taking "joint possession and control" of sovereign states which are now engaged in the very difficult but not hopeless task of working out their own salvation. Suggestions of this nature offer the narrow prejudice of race, or sordid commercial aims, as substitutes for the divine plan, in accordance with which many different types of mankind have been evolved,

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each with its peculiar merits and defects, so that humanity should in the end profit by the contributions of these distinct elements, gaining enormously, incalculably more through a separate development of the genius of each race—its physical type, its social institutions—than could be secured by the way of premature amalgamation or uniformity imposed by force.

Hitherto, we have endeavored to assume "An American Business Man's" point of view, in order to show that even the acceptance of his premises would not drive us to acceptance of his depressing conclusions—conclusions stated, not substantiated. Now, finally, it is a pleasure to be able to present the testimony of other competent witnesses who hold opinions very much more favorable than those which he expresses in regard to (1) the ruling class, (2) the extent of the revolutionary areas, and (3) the recent progressive movement in Latin-American communities.

The addresses delivered at the sessions of the annual meeting of the American Academy of Political and Social Science, held in Philadelphia on April 17th and 18th, gave the views of specialists on the subject of our relations with Latin-America.

Mr. W. I. Buchanan, formerly Envoy Extraordinary and Minister Plenipotentiary of the United States to the Argentine Republic, said:

"The ideas, aspirations, and hopes for the future of those countries are as high and as sincere as are those of any of us in regard to our own. Great progress has been made in each of them. There is in each a strong and steadily increasing element of men of high ideals, character, and honesty, desiring only peace, tranquillity, and good order within their country, and the development of its lands, mines, and industries, and the upbuilding of its people. . . . Some day immigration to our country will cease. Before that day arrives it will set in toward South and Central America, and with that current of people and capital all the internal troubles and financial difficulties which have beset and still weigh down the republics therein will be carried into history, and the material and intellectual development now in progress there will receive an impetus that will not only be lasting, but a realization as well of the efforts and faith of their public men, who have so patiently and under such great disadvantages labored to that end."

An officer of high rank in the army of the United States, who is well informed in regard to the West Indies, said:

"The Spanish-Americans are a strong and progressive race, and under free commercial exchange with the United States will become just as prosperous as any other in the whole world."

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Señor Calderon, the Peruvian Minister, asserted that the majority of the republics of South America "live at peace." As for his own country, he was able to say that "revolutions belong to the past"; that "order is an accomplished fact, the Presidents being legally elected, and succeeding each other with the regularity ordained by the constitution." But Peru was the seat of the Spanish viceroyalty exercising authority in a vast region below the equator; it was a centre and the last stronghold of Spanish power. Accepting with hearty good-will this assurance from Peru, we are certainly justified in saying that the limits of the revolutionary area are contracting.

The director of the International Bureau of American Republics, Mr. W. W. Rockhill, summarized the work of the recent International Conference held at the city of Mexico:

> "The subject of arbitration naturally received a great share of the attention of the Conference, with the result that the Hague convention received unanimous acceptance on the part of the nineteen republics represented. . . . A treaty was also signed for the compulsory arbitration of pecuniary claims. . . . The Inter-continental Railway project was further advanced. . . . Closer commercial intercourse between the various states was promoted. . . . The subjects of quarantine and sanitation were advanced. . . . An international commission was appointed for the study of the crisis in the coffee industry. Other conventions were signed, providing for the reciprocal recognition of the diplomas and titles granted in the several republics; the international recognition of literary and artistic copyrights; the exchange of official, scientific, literary, and industrial publications."

In what other part of the world would the discussion of matters in which national interests are deeply involved range about themes of international helpfulness?

"Outside the bounds of civilization" is an excellent phrase, and in a wholly new sense it fits the list of subjects just quoted,—in the sense, namely, that civilization of the older type, even European civilization, has not yet extended so far as to include all of these themes.

MARRION WILCOX.

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"RACE SUICIDE" AND COMMON SENSE.

BY PATERFAMILIAS.

I AM going to express some convictions, based on experience, concerning the recent revival of interest in large families caused by the publication of a book by two women, with a preface by President Roosevelt, in which he issued his ukase against "race suicide." I have read the book very earnestly and confess to great disappointment. It is the well meant attempt of two women, born and reared in an atmosphere of wealth and luxury, to enter the domain of the wage-earner, with which, and its many and intricate problems they were unfamiliar, and, after a few days or weeks of observation and experience, express not only their ideas of certain great and fundamental problems, but, in addition, on the basis of slight and undigested data, to issue a document of extraordinary character in which the entire social and business organization of the country is attacked. I do not dispute the facts they allege. These could be duplicated a thousand times. But facts must be studied in relation to other facts. Deductions are drawn which to me are entirely inconclusive, and which betray ignorance concerning the fundamentals of social life and the history of its development. I have for many years been laboring privately and publicly in the interests of many kinds of social reform, and I find that our worst enemies are the emotional people who, in an earnest desire to help us, make statements which are either false or are based on information so slight as to be negligible. In any event, I cannot see how raising more children is a cure for the many undoubted existing evils, certainly not for those expressly stated in the book in question.

I should not, however, have paid much attention either to the book or to the prefatory letter of endorsement by the President, had it not been that almost daily of late there has been published

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a letter from the President to some parent of a large family, congratulating him on the number of his offspring, and giving expression to sentiments of one sort or another which, in their essence, amount to this: that the nearer Americans approach the physical status of rabbits the more patriotic they become. If their meaning is not misunderstood by the public, these letters indicate an ignorance of actual conditions in this country, which is all the more regrettable in the man who is the chief servant of the nation, and whose opinions have so much weight not only in legislation but in directing public sentiment.

The President's plain meaning is, that the larger the family the better, regardless of almost any other conditions. "This is the stuff that good Americans are made of," he says in a recent letter. In its last analysis, this means that women are to be judged by no other standard than the number of children they produce. The mother of twenty-four children is a high-priestess of the race: the mother of none is a cipher. Apparently, according to this doctrine, virginity is a crime; and, since reproduction is the sole aim, it does not appear that the marriage relation need be considered as absolutely necessary. I am aware that this is not what the President means, and that he would not stand for such a proposition a moment; but I claim that it is a possible deduction from his philosophy.

I was raised in an atmosphere where it was considered that the teachings of the ancient writers of the Bible are as binding in our day as in theirs, in certain respects. I remember that, although I was taught that every word in the Bible was written by the finger of God and should be implicitly obeyed, there were certain things which we constantly violated. For instance, we ate pork, which, I noticed, was expressly prohibited; but I was put off with the explanation that these things concerned the Jews only. I never found exactly, though I tried to find, which of the things enjoined in the Pentateuch were binding on the Jews and not on us, nor by what principle the differentiation was to be made.

But I grew up believing, as did the great mass of the people of the country at that time, in certain selected texts and precepts; and among these the order to "multiply and replenish the earth" was believed and practised. There were large families in my day, and children were habitually referred to as "gifts from the Lord"; but I remember that the men did not seem to be par-

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ticularly happy after three or four had appeared, and that the lives of the women, even those who were of education and refinement, were often almost on a level with those of the slave.

I have not forgotten the day when there were women of culture and refinement who had ten children, who did most of the sewing and housework, and when, if there was more than a single servant in the family, it was a notable thing. I can remember that the lives of those women were lives of pain, anxiety and toil. I cannot remember in my youth a woman of thirty who was not accounted old, and I have verified this many times by looking over family albums. Women of thirty to-day, whether married or single, are considered young, and there are plenty who at the age of forty-five have the bloom and beauty of youth. That was something unknown in my boyhood; and it is unknown in a great portion of this country to-day, more's the pity!

The problems that confront the married pair of to-day are essentially different from those of thirty years ago—not to say a century ago, when the ambition of most married people was said to be to get "an acre of land and a baby a year." Cradles no longer are included in the equipment of the bride. The young couple who get married to-day must meet the problems that face themselves, and not those which met their ancestors whom they are urged to emulate. The social problem is the greatest. It is of no sort of use to deny that, rightly or wrongly, there is at present a scale of living adopted in all grades of society that is far more expensive than that which prevailed a generation ago. I do not refer so much to the rich, or the well-to-do, but the grade of society where the man of very limited means has occupied and expects to occupy a position of comfort and enjoyment. Much of the increase is due to modern inventions, and to the relative cheapness of what were once esteemed luxuries but are now looked on as merely the common comforts. Partly, the result is due to the fact that woman has become "emancipated," and, instead of being solely and only a "breeder of sinners," has launched out into many vocations and has become a wage-earner. The woman who can earn money can spend it. That is a proposition so self-evident that I do not care to enlarge on it, especially to married men. It is true that, in many instances, the money thus earned is devoted to the most laudable purposes, such as the support of dependent relatives; but, in the majority of cases, it is

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spent on the women or girls themselves, and it is spent principally for personal adornment. This is not in my opinion a crime. In an age when the love for the beautiful is growing, when the public taste for the best things is being rapidly developed, it is not at all to the discredit of any person to wish to be well-clothed and to make a good appearance. In fact, this is the natural condition which long had general acceptation. It was repressed, so far as Anglo-Saxons are concerned, to a very great extent, by the Puritan domination which was so long exercised all over this country, and from which we are just now becoming emancipated.

I am glad the emancipation has come. I can remember when my mother did not have, on an average, one new dress a year, and when a really nice one was supposed to last for ten. She had been reared in a home of comfort, but she married a clergyman of great spiritual qualities and little earning power, and she was offered up as a constant sacrifice on the altar of family development. I do not say that she regretted having a large family. She would not willingly have spared one of her loved ones; but I do know that some of them were not wanted at the time they came, and that twelve years of constant child-bearing reduced her to the physical wreck which she has remained for thirty years. Yet she was looked upon in her younger days as the typical wife and mother. I can testify that she was so in all the virtues; but that she suffered untold agonies, and does to this day, for the sake of bringing a large brood into the world, is undoubted.

The young couple who get married in the city or the small village at this day have become accustomed to many things with which they are not willing to part. They have learned to dress well, to have expensive pleasures, the theatre, concerts, visits, and the like, which have been inspirations in their lives. They do not look forward to a life of self-sacrifice. They want to retain these things. They have had a little home fitted up, and they do not want to give it up; and as usually the husband has all he can do to support two there is little anxiety to increase the number. If one or two children are born, it is considered enough among those who are intelligent and even tolerably educated. There is no room for more, because, in the first place, there is no money, and because the wife does not want to care for more. If she has a single servant, she finds that her whole time must be taken up with the children; and if she is to have a large brood, she will

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either have to give up all expectation of living in the social atmosphere of her friends or the family will be plunged into debt. The result is, that families are small and are growing smaller. The wives are no longer pack-mules, but are getting some of the comforts of life. Why shouldn't they?

This is not the time or place to go into a broad discussion of the function of the sexual relation which is the basis of society. That has been set forth at great length by biologists, and receives more attention now from sociologists than at any other time. If the relations between the sexes were absolutely unrestrained, we should have a much larger number of children born than at present, though fewer would probably survive. If the sexual relations between husbands and wives were unrestrained, the same would be true in only less measure. We all know that as a matter of fact such is not the case. Is this wrong?

The President says it is, and constantly impresses his views on the public. There have been a few voices raised in approbation, but not one among them is a woman's. On the contrary, many protests have been made, and notably by the sex which is urged to bear all the burdens of over-population.

We may as well discuss this proposition from a common sense point of view. It is well known from vital statistics that the greatest mortality occurs among infants less than five years old. This is due to several causes—to diseases peculiar to infants, to prenatal influences, to lack of proper care and nourishment consequent upon poverty; but the fact is that in any large family there are almost always a number of deaths before the children reach maturity. It may be said, therefore, to be mathematically certain that in any large family there are some babies born only to die very soon. That is not an encouraging thought to any parent. On the other hand, it is true to a mathematical demonstration that, where an income is fixed, and in the great majority of cases in this country the income seldom increases, the whole must be divided among the greater number to the loss of those who were present before the new children came. It used to be said that it did not cost anything to raise a baby, but that on the contrary it was an investment. Such a proposition can no longer be maintained. Every baby costs a great deal of money. If the father is in any way able, he gets a good physician and a competent nurse—a trained nurse if possible; while all sorts of sanitary and

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other preparations must be made and maintained which involve expense. Each baby cramps a little all that have come before it, with the result that the mother and father are soon obliged to sacrifice themselves almost entirely on the family altar. They must give up their comforts and pleasures; the mother must give up often even the necessities of life and take up its worst burdens in order that the children shall not suffer. A death in the family is a double calamity, since the extortionate cost of modern burial is one of the crying evils, but one which cannot be ignored.

It makes me sick to look at friends of mine who ten years ago were young and happy, and are now prematurely old and wan and sad. The young fellow who used to have the elastic step and the bright laugh, is now gaunt and dyspeptic, and has populistic views of life. His wife who was such a pretty girl, whom we all liked so well, who played and sang so nicely and was the charm of any social gathering, now looks like a little old hen. Her face is careworn, her look is haunted; she betrays every evidence of being drained mentally, physically and spiritually, to minister to four of five youngsters who must have "the best" of things, and who are lucky to get enough to make a decent appearance.

I presume that I am as fond a father as ever lived. I have four children; and if any of them were not welcome when they came, not one of them would be spared on any account. It happens that we are able to care for four, not quite in the style in which two could have been maintained, but to all intents and purposes quite well enough for them, and sufficiently well for us to maintain our social position, which is very dear to us, though to some such a statement may seem folly. If a time should come when we had to give up our present style of living (which, practically, means our friends, since in that event we would not and could not continue present relations with them), I would consider it, perhaps, the most serious day of my life. So far as can be judged at present, the only thing that might threaten such an event would be the appearance say of a couple of more children. I presume there are those who will think that this is an ignoble statement; but it is not only true, but it is true of about every family of which I have any personal acquaintance, except in those rather numerous instances where there are no children at all. Nothing is sadder to me than a large family except one with no children at all. I am not in favor of race suicide, but I claim that the man who

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raises two, three or four children is doing all that ought to be expected of him, and probably in most cases a little more.

Why?

Because I foresee that what has taken place industrially in the last thirty years or less is going to continue increasingly. The race for existence is going to be harder and the difficulties in the way are going to become much greater. As the great industrial and mercantile businesses of the country are constantly accumulating in the hands of a few corporations, it seems likely that less and less will a young man have a chance in life in a business of his own. If he is to be anything more than a hewer of wood and a drawer of water, it must needs be that he become fitted for the race in the best manner possible. Perhaps his best chance will be with the great corporations where only experts are wanted in the paying positions. It is even now a difficult question for the man with a fairly good income—say five thousand dollars in the cities and two thousand in the villages—to provide for a family of four children and give them the social status, intellectual atmosphere and educational advantages which shall fit them for the swift race now in progress; and there is every reason to believe that the race is going to be harder in the future. If this is so, it simply means that bringing more children into the world than we can properly care for, means death for some and a state of social degeneracy for the rest; or, at best, careers in which there will be nothing but a constant struggle, with the chances very much against them.

In point of fact, I have yet to see any reason in the world for a man bringing into the world a larger number of children than he is able to care for. On the contrary, there is every reason against this course. I am aware that there are many persons in the country who think that the sexual relation is a function designed solely for the propagation of the human race, and that nothing whatever should be allowed to interfere with this manifest purpose.

I deny this.

I deny it on the ground that it is a mere assumption, for which there has never been adduced the least proof. I deny it on the ground that it is contrary to human experience. I deny it on the ground that, although the marriage relation is designed partly for the propagation of the race, such is not its chief function, since the same result can be attained without marriage, and

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originally was so attained. I hold that marriage is mainly for the highest good of the two individuals concerned, and that the rearing of children is only incidental and to be considered only as it adds to their happiness. I deny that marriage is solely an institution for the promotion of self-sacrifice and misery and the propagation of children. If so, it is a failure. It is an institution to make all happy, and not to make slaves of parents at the very outset of maturity. My observation and experience have been that, in ninety-nine cases out of a hundred, in large families there has been an immense amount of suffering and privation, and that the mother has usually had to bear the greater portion of it. And the worst of it is, the fact that the large family has so many drawbacks, which are freely avowed by every member of it, does not prevent each member of that same family from getting married under circumstances which usually indicate an exact reproduction of the ills of which they have so long complained.

But people will say: Look at France!

Well, look at France! I have not only looked at her from a theoretical point of view, but have travelled over her soil pretty thoroughly.

It seems to me that the French are about the happiest people I know—and I do not refer to Paris, but to the other cities, the villages and the country. It seems to me that the French are the most frugal and comfortable people I know, and they just barely succeed in reproducing the race without any increase at all. I do not see why the Frenchman should be contrasted with the rabbit, to the discredit of the former. I have never noticed in history that large families and intellectual and moral development seemed to go together. Until some better example than France can be brought along, I shall feel confirmed in my views.

The last word I have to say is the most important. I am against large families principally on account of the women, who are compelled to bear most of the burdens of life, and who are asked to give up all the comforts which they crave and which in some measure they are beginning to enjoy, and to which they are justly entitled. I consider it brutal to reiterate constantly that child-bearing is woman's function. I consider it no less than brutal to ask a woman to relegate herself to the position of a brood-mare, not for the personal happiness of either man or wife, but simply that the aggregate number of human beings in the world may be

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increased. I do not think that a large population in and of itself is a great blessing. In all things in the world I am concerned more with quality than quantity. It is certain that, if the President were to have his way and we were to have as many children in each family as he seems to think desirable, and they could be brought up to maturity, the time would soon come when they would scarcely have standing room. The country could not support them.

In fact, we are getting quite as many people now as we need, unless we are going to be a military nation. I do not like to compare the President's expressions in his letters with the brutal sayings of Napoleon about the necessity of Frenchwomen breeding soldiers; but there is altogether too much of a resemblance to suit me. I have for the President the greatest respect and have always supported him politically, and I cannot believe that he wants to see the population of this nation grow simply because it will give us military strength. The fact is that we need better citizens, not more of them; and until there has been some way provided by which every child born into this world has as good a chance as it ought to have in the race for success, I shall continue to hold to the opinion that the fewer there are in the family the better. President Roosevelt has a large family, but he has always had abundant means to care for them. If he could know the sufferings of poor women, I do not believe he would encourage poor men to increase their families. I do not believe one woman has been convinced by what he has said on this subject. I believe in that married life where there is happiness for all, and I have little faith in the theory that if a man marries early, works and worries himself to death he may thus obtain a better position hereafter. I am certain that we ought to treat our wives better than we do. Most of us are moral cowards, who make our wives suffer and then blame it on the Lord, who, I believe, will resent such conduct. I have said some plain things because they need to be said. I cannot agree with the President, whose philosophy, if it seems brighter, is yet in truth responsible for a large part of the misery there is in the world.

PATERFAMILIAS.

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POLITICS IN ENGLAND.

BY SYDNEY BROOKS.

"NEVER was a political situation more piquant and paradoxical than that which in some respects confronts us to-day." So, early in April, wrote one of the keenest and most catholic minds engaged in the practice of English journalism; and the correctness of his diagnosis was confirmed a few days later by Mr. Morley himself when he declared that "so far as he knew, there was never a more interesting moment in our modern Parliamentary and party history." Things, indeed, are moving in the world of politics with an almost un-English celerity. The long transitional period which followed the irruption of Home Rule seems to be nearing its end. Organic forces are stirring in a way that, after so many years of "parties in flux," would appear to herald the moment of precipitation. We live in the meantime in an atmosphere of surprises, uncertainties and speculation; the public mind is about equally amazed and confused; and politicians are cultivating the featureless and fantastic caution of men who are not quite sure of their ground and decidedly prefer to wait on events. "I advise my young men," said Walpole, "on no account to use the word 'never.'" Even the youngest of our young men of to-day needs no such reminder. The one quality all Englishmen are at this moment heartily agreed on avoiding is explicitness, either of statement or prophecy. A becoming hesitancy, with nothing more definite in it than a half-hearted surmise or a hint of doubtful possibilities, is simply forced upon the commentator by the complexities of his subject. At the most he can but hope to set forth, with some approach to accuracy, wherein those complexities consist.

To Americans, at any rate, the matter should present few difficulties. The politics of the two countries have for years past been

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running on essentially parallel lines; and, roughly speaking, any one who understands the American situation understands the English also; any one who can solve the one can solve the other. Home Rule and Free Silver have played an almost identical part in the recent history of the two peoples. Neither measure, to begin with, was a natural outcome of the doctrines of the party that adopted it. In each case it was grafted on the party programme forcibly and at word of command. When Mr. Bryan stampeded the Chicago Convention of 1896 into adopting Free Silver he merely repeated the tactics which Mr. Gladstone had employed ten years earlier to coerce his party into accepting Home Rule. Neither could appeal for justification to the past faith and principles of American Democracy or English Liberalism. The new policy cut avowedly across the continuity of doctrinal development. In each case it staggered and scandalized the average elector; in each case, too, it led immediately to a party split. The Liberal Unionists who under Lord Hartington and Mr. Chamberlain broke away from Mr. Gladstone were in precisely the same position, ethically and politically, as the Gold Democrats who bolted the Chicago platform. In England as in America the new doctrines were absolutely repudiated by the country, and for a while the English Unionists, like the American Gold Democrats, became a virtually national party—so conspicuously representative of the sound conservatism of the country that no one but a few fanatics wished to see them turned out.

The parallel may even be carried further. The Spanish war and the Boer war raised fresh issues before the two nations, and on each side of the Atlantic the Democrats and the Liberals proceeded at once to show that their foreign was no better than their domestic policy. Mr. Bryan threw down his gauge to American Imperialism; the challenge was accepted, with results that were hailed as warmly in England as in the United States. The English Liberals, or at least the majority of them, denounced the Boer war and tried to get the country to side with them, and the country met their advances by piling up a majority of 130 for their opponents. Of course, I do not trace back the present helplessness of the English Liberals solely to Home Rule and their reputation for Little Englandism. It is of far older standing than that and due to more varied causes. One of these is their success and energy in the past. They have reformed so much that there

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is hardly anything left worth reforming. Along the lines laid down by Grey, Russell, Bright and Gladstone, their work is well-nigh over. The two institutions that lend themselves naturally to Liberal antipathies, the House of Lords and the Established Church, are at present quite beyond reach of successful attack; and for the rest, all the pulling down and all the constitutional reform that can be done has been done. No one, for instance, wants the franchise to be enlarged; no one wants the old and tried institutions of the country to be tinkered at any more. The Liberalism of the old school, the Liberalism that was always attacking here, abolishing there, and levelling everywhere, has completely exhausted its mandate. After Mr. Gladstone's cyclonic career of destruction, there is the inevitable reaction in favor of letting things alone. It is the general sense of the nation that what is now required is building up, positive, constructive reform; and to this change Liberalism, always stronger in attack than defence, has not yet been able to accommodate itself.

Again the Liberals suffer from that curious interchange of policies which has all but wiped out the old and well-marked differences between Whig and Tory. Indeed, political names are beginning to be as unrepresentative of political things in England as they long have been in Italy. The Conservatives caught the Liberals bathing in the Irish sea and marched off with thier clothes. Nothing has been more remarkable in recent English history than the growth of the Tory party in the confidence of the working-men—a growth, by the by, which Disraeli, with alien perspicacity, foresaw. It was Lord Randolph Churchill who first lifted the Tory party out of the rut and gave it the democratic impulse toward social reform. Mr. Chamberlain has carried on Lord Randolph's work and forced upon the Tories some of the most radical measures to be found in the English statute-book. That is doubly hard on the Liberals. Not only are they without a programme, but they see what ought to be their programme annexed by their opponents. And, besides all this, one must bear in mind, when seeking the reason for the completeness of the Liberal collapse, that the mechanical barriers which are so serviceable in America hardly exist in England. How far faith is essential to the cohesion and effectiveness of a political party it would be hard to decide. The great American parties, for instance, represent merely antagonistic opinions, if they even do

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that. Certainly, an onlooker cannot discover that they stand for anything stronger. Vital beliefs, principles, anything in the nature of a political religion, are as hard to come across among the Republicans as among the Democrats. What is it, then, that has prevented the American parties from falling to pieces? Simply the strength of party ties, and particularly the strength of party organization. But in England no organization worthy the name exists. There is only the shadow of a "machine" and there is absolutely no controlling authority, like the American Conventions, that has the power to choose candidates and to formulate the programme on which they are to run. In politics, as in every other branch of life in England, individualism is fiercely cultivated. Americans have found in the rigidity of party organization and in the willingness of the minority to acquiesce in the decisions of the majority, the main cement that holds their parties together. Englishmen have succeeded for two hundred years in manufacturing that cement out of faith, tradition and the ascendency of individual leaders. But now that the Liberals have parted with all that made them a strong, consistent and cohesive party in the past, now that they happen to be destitute of commanding leaders and are torn, in consequence, by personal rivalries, they find that, lacking organization, nothing stands between them and chaos. That explains why the demoralization has gone further among the English Liberals than among the American Democrats. Practically, there is nothing to prevent an English party, once on the slide, from landing in the ravine.

But, to leave the more general and return to the specific and immediate conditions, one finds that the situation created by Home Rule and the Gladstonian "bias of anti-nationalism," is precisely that in which the American Democrats, thanks to Free Silver and Anti-Imperialism, are now floundering. In each party there are two sections. There are Liberals, like Lord Rosebery, Mr. Haldane, Mr. Asquith, and Sir Edward Grey, who are thoroughgoing Imperialists, who have renounced the Gladstonian form of Home Rule, and who are endeavoring to steer the party back to its old anchorage. In the same way, the clearest-headed and most conservative Democrats in the United States are organizing a movement that, if it succeeds, can only mean the repudiation of Mr. Bryan and Free Silver. On the other hand, the bulk of the official Liberals, like the bulk of the official Democrats, still per-

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versely cling to the policy that has already led them twice to disaster and wholly estranged from them the common sense of their countrymen. I asked Mr. Herbert Paul for an authoritative exposition of their views. Mr. Paul possesses what is probably the most pungent pen that has ever been devoted to the service of English journalism. He sat for some years in the House of Commons as one of the members for Edinburgh, he is a scholar of singular acuteness, and, what is more to my present purpose, a foremost champion of the stern and unbending Gladstonianism which the nation is supposed to have outgrown. What Mr. Paul was good enough to say to me may, I think, be taken as thoroughly representative of the official Liberalism against which Lord Rosebery is fighting. He said:

"I warn you, you have come to a pessimist. Some might call me unwarrantably pessimistic, but I own that to me the position of the Liberal party seems desperate, even hopeless. You say, for instance, that the war is over, that the Government can no longer lay claim to the 'patriotism' of the country, that from now onwards it will be judged on its domestic record. So far as that is true, of course it helps the Liberals. But it is not the whole truth. The war is over, but the bitterness and the dissensions it roused in the Liberal party are by no means past. I speak of things within my own personal knowledge when I say that a real reunion seems as far off as ever. The Liberal party has not recovered, I hardly see how it can recover, from its fatal hesitancy at the beginning of the South-African crisis. In my opinion, it both could and should have prevented the war. On that point, as on most others, I am absolutely with Mr. Morley. His course from the first was clear and consistent, and, had it been followed, would have saved the Liberal party from disaster. And then, besides the split caused by the war, there is the reappearance of Lord Rosebery and his bid for the leadership. For that is what it undoubtedly is. I hardly think he will succeed. I admit his extreme cleverness and the curious fascination he has for the people—a fascination that no mistakes seem wholly able to destroy. But one wants something more than this in a leader. One wants, for instance, definiteness, and Lord Rosebery is not definite. I doubt whether even those who are most attracted by him could say what his policy is. He rarely takes up any position which he does not afterwards abandon. Not long ago he made a speech in which he appeared to support the Nonconformists in their refusal to pay the new Education rate. That, at least, was how I and most people read it. But a few days later Lord Rosebery explained it all away, and declared that he meant nothing of the kind. The last question one should have to ask of a political leader is, 'What do you mean'? But that is the first question one is forced to ask of Lord Rosebery. What the Liberals need is

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a 'last-ditch' man, and Lord Rosebery, so far from being that, is often not even a party man; and, in spite of his able lieutenants and the zeal of his electioneering supporters, the Liberal party will remain substantially a Gladstonian and not a Rosebery party. At bottom, and apart from personal differences, what really divides the Liberal party is still the Irish question. 'Imperialism' is too intangible an issue. Nobody, least of all Sir Henry Campbell-Bannerman, wishes to decrease the Empire. Lord Rosebery says he does not wish to increase it. There is not room for much real difference between these two positions. But in the matter of Ireland the break is, or appears to be, complete. Lord Rosebery declares he will not take office in a Cabinet that can only maintain itself by the help of Irish votes and by yielding to Irish demands. Also, he has renounced Home Rule and broken off the alliance between the Liberals and the Nationalists. Mr. Asquith, Mr. Haldane, Sir Edward Grey, and Sir Henry Fowler have supported him in doing so. Well, I will assume, though others do not, that this is their fixed intention. What follows? Simply that it is an impossible one to carry out. I can imagine a Rosebery Cabinet and I can imagine a Campbell-Bannerman Cabinet, but I cannot, as things are, imagine any Liberal Cabinet that is able to dispense with the Irish vote. Sir Henry still stands by Home Rule, but whether it will be possible for the Liberals to introduce a third Home Rule Bill and pass it, is another question. My own opinion is that, while Home Rule is bound to come, it is far more likely to be through the Conservatives than the Liberals. And, besides all the weakness that results from this rivalry of personalities and policies, you have the solid fact that the present Government has a majority of 130. A majority of 130 takes a lot of wiping out. For the Liberals in their present condition it is an impossible task. The next General Election, no doubt, will see it reduced, but to hope for a Liberal victory is ridiculous. It is true that the Government have lost far more than they have gained by the Education Bill and the Corn Tax. The former especially has had one great result—it has revived the power of political Nonconformity. It has imposed upon Liberals the clear duty of doing all they can to bring the Education Authorities under popular control; and it has also strengthened their general position. With all this, I still cannot see the smallest prospect of the Liberals being in office again. Personally, I think they ought to concentrate on whatever remains uncarried of the Newcastle Programme. That would be my prescription, if I had to make one, though I know perfectly well it would not unite all sections. Very possibly the upshot may be the gradual formation of a new Liberal party with a strong socialistic bent. Meanwhile, as I said, the situation seems to me hopeless."

As against Mr. Paul's views and his advice to "concentrate on whatever remains uncarried of the Newcastle Programme"—which is precisely the same as advising the American Democrats to concentrate once more on the Chicago platform of 1896—may

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be set the opinions with which Mr. Haldane favored me. Mr. Haldane is a Privy Councillor, in the first flight of English lawyers, an intimate ally of Lord Rosebery, and perhaps the ripest and most comprehensive intellect that is enlisted in the Liberal cause. I transcribe his words:

"Our position, the Rosebery position, is briefly this: We find that England is Liberal, but against the Liberals, and we have first of all to discover how such a paradox has come about. In our opinion, it is due to the fact that the Liberals have not marched with the times. They have clung to the old shibboleths and they have overburdened themselves with huge, hasty, and impractical programmes. You will find the best instance of this in Ireland. Everybody who has any claim to be called a practical politician knows that Mr. Gladstone's Home Rule Bills of 1886 and 1893 are dead and buried, and cannot be resurrected. Well, we—that is to say, Lord Rosebery's followers—not only admit that, but proceed to act upon it. We take stock of the facts as they are to-day; we examine Irish conditions, not from the point of view of 1886 and 1893, but from the point of view of the present moment. And what do we find? First of all, we find what I may call a new Centre Party growing up, a party at once moderate and practical. The recent conference between the landlords and the tenants, and the way in which both have blessed the new Land Bill, show how far this new spirit has gone. Now, that is a spirit with which we are ready to ally ourselves; that is a party with which we feel we can work. You may, therefore, take it for granted that the general principle which underlies Mr. Wyndham's Land Purchase Bill will be heartily supported by most of us. We reserve criticism, of course, as to details, and especially financial details; but the broad principle is one we entirely accept. And with the land question at last on its way to settlement, the Rosebery policy would be to extend and develop local self-government in Ireland as much as possible; to inquire into, and wherever possible economize on, the system of Dublin Castle rule; to encourage industrial and agricultural development freely—in short, to advance step by step along the humble line of practical utility, and not waste our time on 'heroic' measures. The end of all this, in our view, would be the creation of a prosperous and contented Ireland, of moderate Nationalist sympathies, from which a system of Home Rule might gradually arise. You must not suppose that, because we have wiped Home Rule off our slate as a policy to be embodied in a single bill and brought forward in the House of Commons, our relations with the Irish party have been severed. On the contrary, they are close and cordial. The Irish know perfectly well that we desire and work for the improvement of their country; and they are realizing, too, that ours is the only practical method by which it can be improved. And this same policy of taking things as they come, of not committing ourselves hopelessly in advance, above all, of thinking measures out before we advocate them, is our policy in English as well as

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Irish affairs. In England, too, there is emerging a Centre Party that is being attracted to our banner. The younger and more enlightened Conservatives, like Mr. Winston Churchill, have more in common with Lord Rosebery than with their own leaders. You will have seen that conspicuously during the recent Army debates; and I firmly believe that the dominant party of the future will be what I may term a Centre Left party, working along Rosebery lines, absorbing the Gladstonian remnants, and recruited to some extent from the Conservative ranks. That future, no doubt, is not a near one, but we are quite content to wait for it; and we may at least claim that our policy leads to it, while the policy of the unregenerate section in the Liberal party leads nowhere. But, after all, it is not office, but principles that we are working for. We may be able to reduce the Government's majority at the next election; but, unless things change rapidly, we cannot reasonably hope to wipe it out. What we can do, however, is to prepare a state of feeling which eventually must make the existence of such an inert Government as the present impossible; and that we are doing. The new problems that are coming up, especially in the sphere of constructive social reform, are problems that we are in thorough touch and sympathy with, and better able to handle than the Conservatives. I have no doubt that, with the policy we advocate—first of all, of a sane Imperialism; secondly, of economy and efficiency; thirdly, of cautious but progressive reform—we must in the long run not only dominate all sections of the Liberal party, but also undermine the entire Conservative position. It will be up-hill work, no doubt—breaking away from the past never is easy work; but unless we accept the alternative of stagnation, it must be done."

Between these two views there is obviously a divergence so fundamental that only the conquest and absorption of one section by the other can really put an end to it. An opinion, it is true, does widely obtain that, if the Liberals were again to be returned to power, the prospect of office would act as a sufficient incentive to harmony. That is a very delicate matter, on which it is almost useless even to speculate. What is beyond argument is, that the Liberal party is weakened to the point of being paralyzed by its lack of a common policy, and by the friction between the leaders of its component sections. It is still further distracted by a movement which, as Mr. Paul hinted, may end by permeating it with socialistic ideas—I mean the Independent Labor movement. And, again, it is fatally manacled by its rupture with the Irish Nationalists. That rupture, of course, is not to be regarded as complete for all time. If ever the Liberals find themselves in office again and are prepared to "govern Ireland on Irish principles," the alliance will be renewed. But, for the present, the

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Nationalists have resumed their old position of independence of both parties, and will support whichever of the two can promise or perform the most for Ireland. One of their leaders said to me, with a frankness more often encountered in American than in English politics:

"Why should we be such inconceivable fools as to keep up our alliance with the Liberals? They have neither a policy, nor a leader, nor one chance in a thousand of getting back into power again. Gratitude? Well, you can hardly expect us to believe in gratitude as a paying political virtue. We are for the party that can give Ireland something substantial in return, and the party that can do that, in nine cases out of ten, is the party that controls the House of Lords."

Here, again, is a situation which sooner or later will be paralleled in America. The time, that is, will come when the alliance between the "Solid South" and the Democratic party will be found to be no alliance at all, but merely a temporary adhesion due to accidental circumstances. No doubt, the Democrats will be just as much scandalized by the discovery as are the Liberals by the "ingratitude" of the Irish Nationalists.

On the other side of the House, among the Conservatives, the position corresponds with curious felicity to that of the Republican party in the United States. Like the Republicans, the Conservatives control both Houses by overwhelming majorities; and, like the Republicans, they have made blunder after blunder, till the country is palpably turning from them in utter exasperation. The Buller affair, the Corn Tax, the Education Bill, Mr. Brodrick's Army Scheme, the Whitaker Wright business, the Venezuelan mess have all told immensely against them. More than once the Irish votes alone have saved the Government from defeat. Oftener still, a vigorous Opposition might have done them enormous damage by leading the national resentment inspired by some of their acts. As no such Opposition exists, the country has had to take the work of chastisement into its own hands. At bye-election after bye-election, it has smitten the ministry hip and thigh, and the general position of the Government, in spite of its huge majority, is weak and even precarious. Mr. Arthur Lee, whom all Americans will remember as Captain Arthur Lee, the British Military Attaché to the United States during the Spanish war, and who is now a Conservative member of Parliament and zealous in the work of Army Reform and of improving Anglo-

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American relations, gave it to me as his opinion that the weakness of the Opposition was really the measure of the Government's strength. Mr. Redmond, when he rallied the Irish Nationalist Convention to the support of the Land Bill, said pretty much the same. The Government is palpably losing ground. The greatest feathers in its cap, Mr. Chamberlain and South Africa, are items for which the country considers that full credit has already been given. South Africa no longer has any influence as an electioneering argument! The reaction that sets in after every great war is another factor—vague, perhaps, but still effective—in the process of attrition. But in the main it is on its own specific deeds that the Government is being judged and condemned; and the contrast between its performances and its opportunities is rousing, even among the rank and file, a spirit of dissatisfaction and revolt. This spirit has found a vigorous expression in the new Fourth Party, a political off-shoot that may be compared with the supporters of the "Iowa idea" among the Republicans of the United States. Sir Gilbert Parker kindly furnished me with a most interesting account of its origin and policy. Sir Gilbert, I may add, promises to repeat in politics the abundant success he has already won in literature. Some solid and useful achievements already stand to his credit; he has conquered, and in a singularly short time, that suspicion of being "unpractical" that greets the man of letters in English politics; and his unique knowledge of the ins and outs of Colonial opinion and sentiment, especially on such matters as Imperial Defence, assures him a position of real authority. This is his account of the Fourth Party movement:

"I want to make it clear, in the first place, that there is nothing in the nature of a cabal in the Group of New Tories. We are not Adullamites, 'kickers,' 'bolters,' or anything of that kind. There is nothing personal and nothing secret about our policy or motives. What I say to you here, I should be just as ready to say to my constituents, in the lobbies, or from the floor of the House itself. Of course, I know what the gossips of the moment impute against us. We are charged with party disloyalty, with personal animosity against Mr. Brodrick, with a whole catalogue of political crimes. Some genius has even discovered that our real object is to turn out the present Ministry and plant in its place a Rosebery administration to which the members of the so-called Fourth Party are to be officially attached. Now, all that is unmitigated nonsense. We are Conservatives by instinct and conviction; party duty sits no more lightly on us than on other Conservatives; and

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none of us has ever had a thought of shifting his political allegiance. We claim not only to be loyal Conservatives, but to show our loyalty in a practical form by doing what we can to bring official Conservatism abreast of the times. Our movement is not a movement against, but in favor of, the party to which we belong. It is to strengthen it, to broaden it, and especially to induce it to concentrate on certain practical reforms that we are working. Broadly speaking, the task of Conservatism during the past few years has been mainly defensive. It has had to protect, and this has naturally been its chief preoccupation, the Empire from disintegration at home and abroad—in Ireland and in South Africa. What we as a Group feel is, that this defensive work has now been satisfactorily accomplished, or that, at any rate, it should not in the future absorb so much of the party energy as has been the case in the past. We feel that, thanks to the admirable, clear-sighted firmness of our leaders, there is now, as it were, a truce to the more pressing anxieties of the last decade. But a truce of this kind has its dangers. It makes men more apt to think of what has been done than of what there is still to do. It tempts them to rely rather too complacently on their successes in the past, to take it too easily for granted that no more can decently be expected of them. And when a party gets into this state of mind, it falls into a rut from which it must either be forced or else gradually lose the confidence of the country. This, roughly, is the danger that, as we see it, lies just now ahead of our party; and it is one we intend to fight against and assist in preventing. We believe that, so far from having exhausted its mandate, the real triumphs of Conservatism are still to come; but that to win them the one thing needed is a comprehensive policy of constructive reform. I would emphasize the word 'constructive.' It is the key-note of our whole position, and really embraces all that we, a small knot of comparatively young Conservatives, some of whom are new to politics but not to political questions, and who believe ourselves to have a considerable knowledge of and sympathy with contemporary needs and tendencies, are striving to attain. We think, in short, that for the Conservative party to trust for another ten years solely to the watchwords of Empire and Union, will be politically fatal; that there is an emphatic demand for something more tangible, more vital, more definitely practical. This, I think, you may take to be the general animating principle behind this Group of men. Our aim is to give to the Conservative party a new impulse towards efficiency and practicality. Each of us, of course, has some special subject or hobby. Some of us have made a particular study of questions like the Housing of the Working Classes, Poor Law Administration, the control and regulation of locomotion, the development of Municipal Institutions, Municipal Trading, Imperial Relations. Others are more interested in those matters of fiscal reform, of commercial and industrial regulation, which in England have never won the important place they deserve and must ultimately reach. Others, again, regard the reform of our administrative machinery—which has fallen far below the American and German standards—as one of the most pressing problems of the

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day. At all events, here were a number of active earnest Conservatives, each contributing his quota to a broad policy of progress and reform. It was inevitable under the conditions of Parliamentary life that we should at some time come together, and agree more or less to act in common. But what actually gave us a rallying-point, and so formed the nucleus of the Group of New Tories, was Mr. Brodrick's Army Scheme. Here we all met on common ground. Whatever our 'second string,' the Army question was with most of us the first; and we soon found ourselves practically at one in condemning Mr. Brodrick's scheme as extravagant, inefficient, and, in our opinion, and I think it may now be said in the opinion of a majority in the country, unsuited to the national needs. Two results followed from this. One was that a certain amount of concerted action was forced upon us by Parliamentary requirements. A single member, acting by himself, has little power in the House of Commons. To make any impression at all, you must, so far as possible, organize. We therefore found ourselves drawn more and more closely together on the basis of a common opposition to Mr. Brodrick's Six Army Corps, and from this constant association and intercourse there followed the knowledge that we thought in common not only on the Army question, but on the many other points of social, fiscal, economic, and administrative reform I have mentioned. Hence the Group of New Tories. You will see from this that it is not a very sinister development, after all, but something that, given the circumstances, was not only natural and inevitable, but also much needed. We may, at any rate, fairly claim to have justified our existence during the Army debates, and I rather anticipate that the future will not be without its opportunities, too."

Unquestionably, the greatest domestic achievement of the Government is the Irish Land Purchase Bill. It really promises to settle that heart-breaking question for good and all; but in one way at any rate it only makes the future yet more hazardous to forecast. Sir Robert Peel never expected to be the statesman to repeal the Corn Laws; Disraeli never expected to be the author of Household Suffrage; this Government does not expect to introduce a Home Rule Bill. It is one of the most curious developments of English politics that Home Rule should to-day be spoken of as one of the possibilities of the not distant future. There is a hint in this of the probable issue of the present complex and contradictory situation. The country grows more and more dissatisfied with the Government, and it is still without confidence in the Opposition. The broad result, as it seems to me, will be to make the Irish once more the masters of English politics.

SYDNEY BROOKS.

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THE ALASKA BOUNDARY QUESTION.

BY RICHARD WAYNE PARKER, MEMBER OF THE HOUSE OF REPRESENTATIVES.

THE question as to the boundary of Alaska is the off-spring of the discovery of gold in the Klondike. Ever since the treaty of 1825 between Russia and Great Britain, it had been perfectly well understood by all parties that by that treaty Russia had an unbroken strip of land along the main continent, which gave her full control of all the sounds, channels and inland seas of that broken coast, and likewise protected her fur companies upon the islands from the incursions of the Hudson Bay Company. These considerations had been paramount in the negotiation of the treaty. This had been the construction shown in all the maps from 1825 to 1897, whether English, Russian, American or Canadian. Russia, and afterwards America, had occupied to the head of all these inlets. If ever there was a question which was absolutely settled, it was this. But with the discovery of gold in the Klondike everything is changed. A new construction of the treaty is put forward, just as some new child, never heard of before, always appears to claim a large fortune.

By the treaty of 1825, it was agreed that between the 56th degree of north latitude and the 141st degree of west longitude the boundary should "follow the summit of the mountains situated parallel to the coast," and also that, whenever this summit "shall prove to be at a distance of more than ten marine leagues from the ocean, the limit between the British possessions and the strip of coast which is to belong to Russia, as above-mentioned, shall be formed by a line parallel to the sinuosities of the coast and which shall never exceed the distance of ten marine leagues therefrom."

It had always been supposed that this line, parallel to the

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"sinuosities" of the coast, should go inside of any bays, inlets, or arms of the sea. It is now suggested that the line should cut across these inlets, channels, bays, or arms of the sea, so as to keep the boundary line within ten leagues of the points of the continent. Indeed, some suggestion has been made that this line should run ten leagues inside of the outer line of marine jurisdiction, and cut through the islands which border the coast.

The coast of Russian-America, now called Alaska, is bordered, for about two hundred miles, by an archipelago of nearly half that width, consisting of rocky islands, divided from each other and from the shore by narrow, deep channels and sounds; while the coast of the mainland is broken by like deep, narrow inlets or channels, often running nearly a hundred miles into the land, with a width of one or two miles. On either side they are bordered by beetling cliffs. Like the fiords of Norway, they have been cut out by glaciers in early days, and the sinking of the whole continent has brought the sea farther and farther into these glacial beds. A Western man would call then cañons. The earliest maps of this region are Spanish, and on these they have the name of "canals," the word meaning either a strait or channel of water, or a long, narrow flat between two parallel mountains. The Lynn Canal is one of the longest and largest of these, and the harbor at its head affords access to the Klondike, over the summit of the Chilkoot and Chilkat passes, which lie a few miles north of the Canal. At Portland Canal somewhat similar conditions prevail. But in most of the other parts of the coast, there is no definite summit or watershed within thirty miles of the shore as was expected by those who drew this treaty, and the line has, therefore, to be located upon the ground ten leagues from the sinuosities of the coast. The Canadian claims would disregard these sinuosities and seize the whole head of the Lynn Canal, so as to have direct access to the Klondike through a British port. Indeed, Canada has already offered to surrender to the American contention all the rest of the coast, provided it can have Pyramid Harbor upon the Lynn Canal.

The United States cannot agree to arbitrate such claims. Territorial disputes have always been excepted from propositions to establish a general court of arbitration. This whole region is filled with American settlements, which the Government cannot put in jeopardy. But a final reason against arbitration is, that no

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disinterested court could be found, because every foreign nation is interested in trading directly with the British gold fields, instead of having to pass through American territory. At present shipments from foreign countries to the Klondike pay the Dingley duties from which our own shipments are exempt, and this gives us a substantial monopoly of furnishing supplies. There is not one foreign country that would not rather have a direct trade with this region. Any arbitration would simply involve the question whether America could bar that country from direct trade.

Such questions of national title, against common rights claimed by the other countries, cannot be submitted to arbitration. We are not ready to repeat the mistake which we made in the Fur Seal Arbitration, whereby we allowed other nations to decide whether the seals really belonged to us alone, or whether they might be killed by themselves in common with us. We cannot let others be the judges whether they are to have privileges in our property. We must assert our own rights as a nation.

But to say that arbitration is impossible does not exclude negotiations as to the exact settlement of the line. There are questions of survey, under the treaty, to determine whether the summit of the mountains lies within the ten leagues line, or if not, exactly where that line shall be laid out. It has, therefore, been right to appoint a commission of three Americans to meet a similar commission appointed on the side of Great Britain, and see whether this line can be located.

The American Commissioners, however, will never admit that there is any question with reference to the principle on which this boundary line should be laid out,—a principle which is settled by history and by the terms of the treaty itself.

In this article it will be impossible to do more than touch upon the history. It is thoroughly and beautifully abstracted in an article by John W. Foster, former Secretary of State, published in the "National Geographical Magazine" of November, 1899. A discussion of the question may be found in Balch's book, "The Alaska-Canadian Frontier," republished in 1903 with amendments. A careful list of maps bearing on the subject has been made and printed by P. Lee Phillips of the Library of Congress, as well as a list of books by A. P. C. Griffin of that Library. The literature is complete.

Suffice it to say that, during the negotiations for the treaty of

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1825, when Great Britain insisted upon the possession of eighty miles of the coast behind the Russian Islands, Russia broke off all those negotiations, upon the express ground that unless the islands were protected by a strip of shore upon the mainland, the Russian Fur Company would be exposed to competition by the Hudson Bay Company, which it was their purpose to exclude. At the same time, the Russian envoy reported to his Government that it was their object to establish a barrier to stop the encroachment of the Hudson Bay Company, or the access of the English to the sea. The English envoy at the same time reported that the establishment of the line on Portland Canal, as afterwards adopted by the treaty, would deprive England of the inlets or small bays lying between latitude 56° and latitude 54° 40′.

The negotiations were thus broken off upon this essential point of the establishment of a barrier strip of coast, which would include all the inland seas. These negotiations were renewed on England's acceding to the Russian demands in this respect, on condition that the strip of coast should not be so wide as to run to the Rocky Mountains, and also that Russia should grant some privileges in the "interior seas, gulfs, harbors, or creeks upon the coast for the purpose of trading with the natives of the country," privileges which were finally allowed by the treaty for ten years, and abolished at the end of that period.

The maps in the possession of both parties showed a line of mountains running along the coast, close inside of all the inlets. These maps had been made by sailors, who thought that they could see such an unbroken chain of mountains. Russia suggested that the line should run along the summit of these mountains. England acceded, making the condition, in order to guard against possible mistakes in the maps, that the mountains should not be over ten leagues from the coast. But that it was the intention to give Russia an unbroken strip is not only proved by these maps used in the negotiations, which showed a chain of mountains inside of the inlets, but by all subsequent maps and papers. Russia immediately mapped the boundary officially in 1827. That map is copied in the Arrowsmith (London) map of 1832, and in Bouchette's Canadian map of 1831, as well as in all other Canadian maps (as, for example, Devine's of 1857), and in every map on the Continent or in England until 1898, when Ogilvie published an article in the proceedings of the Scottish Geographic

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Society, accompanied by a map which still shows the boundary at ten leagues from the head of the canals.

But we are not left to maps. In 1839, Russia leased the strip of shore to the Hudson Bay Company, and in 1857 Parliament made inquiry as to that Company's affairs, and a map of their territory was published by the direction of Parliament, showing the leased ground marked in yellow. This ground was exempted from all hostilities during the Crimean War. It was ceded to the United States and remapped at that time. In 1873, the legislature of British Columbia proposed that a survey should be made of the thirty miles of American territory. Dennis, their surveyor-general, proposed to establish monuments upon certain rivers, which he names, including the Chilkat, which is above the head of the Lynn Canal, and the Taku and Stikine, which are above other canals. In 1876, upon the escape of a prisoner from a Canadian official some fifteen miles up the Stikine River, the Canadian Government ordered a survey, and abandoned jurisdiction because the point of escape was in American territory. In 1878, upon an official Canadian survey of the same river, a provisional boundary was suggested and accepted twenty-five miles from the mouth.

Meanwhile, the ground in question, around the heads of these canals, had been occupied more or less by Russian forts and posts. It was leased to the Hudson Bay Company and surrendered upon termination of the lease. Russia received the allegiance of the Indians therein. On its cession to the United States, it was occupied by the Army, and by post-offices, post-roads, and custom-houses, and Government and mission schools were established upon it. These last, at the head of the Lynn Canal, have existed for twenty years. The inlets have been patrolled by the Revenue Cutter Service since the cession. We have accepted the allegiance of the Indians, and enumerated them in the Census in 1880 and 1890. Towns were established, and all this was without protest from Great Britain or Canada. It is true that in 1888, on an endeavor to survey the boundary, Mr. Dawson, acting for the Dominion of Canada, had raised a question whether the line was to be measured from the heads of the inlets. But no governmental action was taken until the month of August, 1898, when Great Britain, at the suggestion of Canada, first made a claim to take the boundary line from above the Portland Canal down to

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the coast, and across the inlets, leaving an average breadth of shore to the United States of five miles, broken continually by arms of the sea.

We may go further, however, and say that it needs only a careful reading of the treaty of 1825, to ascertain that the Canadian claims are absolutely contradicted by the treaty itself. We admit that the word "coast" has more than one signification—for example, (1), the outside boundary of marine jurisdiction, outside of all inland seas and coast-lying archipelagoes; (2), the exterior line of the mainland, cutting across the mouths of close bays and inlets, even of tide-water; and (3), the shore, the actual line of low-water mark upon tide-water, a line unbroken by anything except running streams. In this case there is no doubt. The treaty itself defines this last sort of coast, viz., the shore, as the one that was intended, and the treaty so fixes the boundary as that there can be no dispute upon this matter.

The important object sought by Great Britain was to be relieved of the Russian claim to maritime jurisdiction in the Pacific for 100 miles from shore, as well as to define the part of the coast to be claimed by either. The treaty recites a desire to "settle, upon the basis of reciprocal convenience, different points connected with the commerce, navigation and fisheries of their subjects on the Pacific Ocean, as well as the limits of their respective possessions upon the northwest coast of America."

Article I. provides against molestation of the subjects of either in any part of the Pacific Ocean, either in navigating, fishing, or landing at such part of the coast as shall not have been already occupied, to trade with the natives under the restrictions thereafter specified.

Article II., in order to prevent illicit commerce, forbids landing at any place where shall be an establishment of the other party, without permission of the commandant.

Articles III. and IV. read as follows:

"III. The line of demarcation between the possessions of the High Contracting Parties upon the coast of the continent and the islands of America to the northwest, shall be drawn in manner following:

"Commencing from the southernmost point of the island called 'Prince of Wales Island,' which point lies under the parallel of 54 degrees 40 minutes north latitude, and between the 131st and 133d degree of west longitude (meridian of Greenwich), the said line shall ascend to the

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north along the pass called 'Portland Channel' as far as the point of the continent (Fr. *terre ferme*) where it reaches the 56th degree of north latitude; from this last-mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast, as far as the 141st degree of west longitude (of the same meridian), and finally from the said point of intersection the said meridian line of the 141st degree in its prolongation toward the frozen ocean shall form the limit between the Russian and British possessions on the continent of America, to the northwest.

"IV. With reference to the line of demarcation laid down in the preceding article, it is understood; first, that the island called 'Prince of Wales Island,' shall belong wholly to Russia; second, that whenever the summit of the mountains which extend in a direction parallel to the coast, from the 56th degree of north latitude to the intersection of the 141st degree of west longitude, shall prove to be at the distance of more than 10 marine leagues from the ocean, the limit between the British possessions and the strip of coast (Fr. *lisière de côte*—literally, selvage of coast,) which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the sinuosities of the coast, and which shall never exceed the distance of 10 marine leagues therefrom."

We note immediately the hesitation and doubt as to the existence of the mountains along this sinuous coast-line, and as to the exact position of the eastern boundary of the strip or "binding." But, up to that point, the description is accurate and careful; and the corner at which this mountain chain line shall start, is fixed carefully and exactly at a point which, as will be shown, is *just ten leagues from the head of the nearest bay,* and which is much more than that distance from the outer coast which is asserted by Canada to govern that boundary.

We may well spend some little time in removing all doubt, as to the terms of this description. First, we note that it is a line of demarcation between possessions "on the coast of the continent and the islands." It is to divide the "coast" and "islands" of one party from those of the other. These words involve the straits, sounds, arms of the sea and bays, which make these islands and coast. All those north of the line are to be of Russia, and all south are to be of Great Britain. The whole coast with its islands and seas, whether belonging to Russia or England, was thus mentioned in Article III.; and this explains the ten years' license, given by each party to the subjects of the other in Article VII., to frequent these seas, for fishing and trading with the natives.

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Article III. proceeds:

"Commencing from the southernmost point of the island called 'Prince of Wales Island,' which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and 133d degree of west longitude (meridian of Greenwich)."

This point is not so indefinite as it might seem. So far as we know, the most careful surveys of this region then existing were Vancouver's famous maps of 1798, accompanying the edition of his "Voyages" then published. The outermost island shown on those charts is named "*Prince of Wales Archipelago*," a large single island which Vancouver skirted, but thought (mistakenly) might be broken into several.* No less than three southerly points of this island appear in his chart, at almost exactly the same latitude, viz., 54 degrees 42 minutes. One, "Capo de Chacon," is shown in dark lines as surveyed by himself in 131 degrees 44 minutes west longitude. "Punta de Nunez" is mapped at 131 degrees 57 minutes west longitude, and "Capo de Muzon" at 132 degrees 30 minutes, both in the same latitude; but these are unshaded and stated in the map to be taken from "Spanish authorities." Thus, in the treaty description, the vague statement of longitude is intended to cover the doubt as to which cape was the southernmost, as well as the errors which were always found in longitude when chronometers and lunar observations were not so accurate as at present. For example, Cape Chacon is shown on the Coast Survey charts as at 132 degrees 1 minute west longitude, which is 17 minutes (or nautical miles) west of where Vancouver placed it. Some of his own calculations vary nearly a degree from each other.

As to latitude, Vancouver's survey of Cape Chacon was correct, but Cape Muzon extends south to 54 degrees 40 minutes and perhaps a trifle farther, so that the treaty was properly careful that all of Prince of Wales Island should belong to Russia and this was provided for in Article IV.

This line of 54 degrees 40 minutes was already historical. In 1824, the year before the treaty referred to, Russia and the United States had entered into a treaty as to this same coast. The first and second articles as to the freedom of the Pacific Ocean were the same as in the British treaty, which was copied therefrom.

* Vol. III., p. 419, of his "Voyages."

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The third article engaged that there should not be formed by citizens of the United States, or under the authority of said States, any establishment upon the northwest coast of America, nor in any of the islands adjacent, to the north of 54 degrees 40 minutes of north latitude, and that in the same manner there shall be none formed by Russian subjects or under the authority of Russia, south of said parallel, which was thus made a boundary.

The fourth article provided that for ten years "the ships of both Powers, or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks, upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country." This was copied in the seventh article of the British treaty. The other article was as to the sale of spirits and firearms to the natives, and was likewise copied.

Taken together, the American and British treaties reserved all question between the United States and England as to the coast below 54 degrees 40 minutes, and left all the coast above that line, and all the islands, interior seas, gulfs, harbors, and creeks, to Russia.

We only add one other authority to show that this line of 54 degrees 40 minutes was thoroughly understood at the time. On April 27th, 1824, Count Nesselrode, who signed both treaties for Russia, wrote that he would not insist on 51 degrees, that he was content with 55 degrees, and that toward the east the frontier could run along the mountains that follow the sinuosities of the coast up to Mount St. Elias, and from that point to the Arctic Ocean, etc. He continues:

"In order not to cut Prince of Wales Island, which, according to this arrangement should belong to Russia, we *proposed to carry the south frontier of our domains to the 54 degrees 40 minutes of latitude, and to make it reach the coast of the continent at Portland Canal, whose mouth opening on the ocean is at the height of Prince of Wales Island.*"

On Vancouver's chart, this line of 54 degrees 40 minutes extended eastwardly passes a mile or so south of Point Wales, the south point of a small island known as Wales Island, being, on the west side of the entrance of a wide channel or canal, leading

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northeast into the continent. This canal or passage, according to the same chart, at 20 miles from its mouth, divides into two canals, one running north 45 miles to 55 degrees 45 minutes, with much the same width, and marked "Portland Channel," and the other continuing northeast about 30 miles, and marked as "Observatory Inlet." From Count Nesselrode's letter, it is plain that the whole canal had in 1825 taken the name of its larger branch, "Portland Channel," although Vancouver had in his voyage treated this as a branch of Observatory Inlet, which he first visited. But Nesselrode recognizes that it was from latitude 54 degrees 40 minutes that the line ascends to the north in the mouth of the wide canal, then and now termed Portland Canal; and not in the little strait north of Wales Island, which debouches north of that latitude.

From this point the treaty description is still more interesting.

"The said line shall ascend to the north, along the pass called 'Portland Channel,' as far as the point of the continent where it reaches the 56th degree of north latitude."

Vancouver's chart and his "Voyages" (Vol. II., p. 341) makes the canal end in latitude 55 degrees 45 minutes in low marshy land. He says:

"The shores of this inlet were nearly straight, and in general little more than a mile asunder, composed mostly of high rocky cliffs covered with pine trees to a considerable height, but the more interior country was a body of high barren mountains covered with snow."

Vancouver's survey was made in row boats and amid great hardships. It is absolutely accurate up to the division of the channel at a little short of 55 degrees; but our coast survey shows that, above that point, he omitted one or two courses in plotting, and that the end of the water is ten miles farther north than he placed it, lying in 55 degrees 55 minutes (only five miles from latitude 56 degrees); that, from the end of the water, the high rocky cliffs or banks with a cañon or pass between, of a mile in width, continues well beyond latitude 56 degrees, and that at that point of latitude the "*passe*" is flanked by high mountains, Mt. Gladstone on the east and the Reverdy Mountains on the west.*

* See the Coast Survey charts, "Portland Canal in Alaska" and "Clarence Strait, Revellagigedo Channel, and Portland Canal."

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We thus understand how a line up a channel ("canal or "*passe*") gets to a point on "*terre ferme.*" It was still a "*passe*" or "canal" though dry. The word "pass" in English, as in French, is applicable to a dry way or a waterway. The word "canal" was from the Spanish, and is defined in that language not only as an arm of the sea between islands or continents, but as a long narrow plain between two parallel mountains.

This is the Western-American use of the word "cañon," which the Spaniard would call a "canal"; and hence the line, after it left the part covered with water, would rightly go up this "pass" or "canon" of flat land between parallel mountains, for five miles farther, "as far as the point of the continent where it strikes the 56th degree." Thus the line of the channel, "*passe*" or "cañon" did reach a point on the continent, or *terre ferme,* because the channel or "*passe*" was and is dry there.

It is obvious that the men who drew this treaty *knew* that this line could go up Portland Canal or Cañon until it reached latitude 56 degrees. That was and is a fact. It may have been a route for trappers to the interior. The treaty thus contradicted Vancouver's chart, and all well-known maps of that date that made the canal stop at 55 degrees 45 minutes, but it was true that you could go up that "*passe*" by water and land to 56 degrees; and that this point was between high mountains. Let us see what this means.

This point was and is over 70 miles from the extreme projections of the coast. All knew that, for Vancouver's careful hydrographic map showed the fact. This point is defined by the treaty as in the boundary. Hence the coast or shore, from which the boundary should never be distant more than ten leagues, or thirty miles, cannot be the outside projections of the continent. But that point, by Vancouver's chart, was just ten leagues from the nearest shore of the next northern inlet, Walker's Cove on Behm's Canal. On the Coast Survey Chart, it is just 29¾ marine miles from the head of that cove. Thus there was a starting point at ten marine leagues from the nearest sinuosity of the coast in a range of mountains; such as was shown on Vancouver's map, as extending along the whole coast within the heads of these inlets, and usually close to them at a distance of five or ten miles. The starting point in that supposed range was, however, 30 miles from the head of the next nearest estuary.

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So far, the survey is, obviously, an *actual* one. It proves itself by being true and accurate, where the maps were false. It follows a named channel or "*passe*" to a certain point. But from this point it does not claim to be otherwise than scientific and theoretical:

"From this last-mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast, etc."

"Whenever the summit of the mountains which extend in a direction parallel to the coast, from the 56th degree of north latitude . . . shall prove to be at a distance of more than ten marine leagues from the ocean, the limit between the British possessions and the strip (*lisière*) of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the sinuosities of the coast, and which shall never exceed the distance of ten marine leagues therefrom."

Every voyager thought the snowy peaks that he looked at constituted a continuous mountain chain.

At the head of Observatory Inlet Vancouver says:

"This (opening) to all appearance was bounded at no great distance by a continuation of the same lofty ridge of snowy mountains, so repeatedly mentioned as stretching eastwardly from Cape Fairweather, and which, in every point of view they had hitherto been seen, appeared to be a firm and close-connected range of stupendous mountains forever doomed to support a burden of undissolving ice and snow."*

And again:

"From the close connection and continuation of the lofty snowy barrier so frequently before adverted to, trending southeastwardly and along *parallel with the direction of the continental shore*, little probability can remain of there being any continental commerce," etc.†

We seem in these words of Vancouver's to have the words of the treaty before us, except that he says the continental *shore*, instead of its *coast*. That is what the treaty meant, namely, a range or line parallel to the sinuosities of the *shore*, and of the *côte* or coast in that sense. Half the difficulties have arisen from mistranslation of French words. Thus "*côte*" is "shore." "*Sinuosités*" are not mere windings, but *sinuosities*, defined as bends or folds, including *sinus* or bays. "*Lisière de la côte*" is not a "line of coast" but a strip, literally a selvage or edge, close

* Vol. II., p. 247.

† Vol. II., p. 249.

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woven and holding the cloth together; an unbroken edge of shore.

The other Articles confirm this view:

"Article V. It is, moreover, agreed, that no establishment shall be formed by either of the two parties within the limits assigned by the two preceding articles to the possessions of the other; consequently British subjects shall not form any establishment, *either upon the coast or upon the strip of the continent comprised within the limits of the Russian possessions, as designated in the two preceding articles*, and in like manner no establishment shall be formed by Russian subjects beyond the said limits."

That is, English subjects shall not put factories upon the coast, nor shall the Hudson Bay Company come from behind upon the strip. But the English now contend that their ships could have gone to that coast and up the Lynn Canal and put a factory at its head. The article means nothing, unless the coast includes the whole *shore*.

"Article VI. It is agreed that the subjects of His Britannic Majesty, from whatever quarter they may arrive, whether from the ocean or from the interior of the continent, shall have the right of navigating freely and without any hindrance whatever, all the rivers and streams which in their course towards the Pacific Ocean may cross the line of demarcation upon the strip of coast described in Article III. of the present convention."

Vancouver's charts show many canals over 30 miles long. If the boundary was intended to cross these canals, there would have been provision for their navigation as matter of right, not merely for rivers and streams. The boundary was to cross rivers and streams with a *course* toward the Pacific; it was not to cross inlets and arms of the sea which were parts of the Pacific, but to go round their shores. Otherwise their navigation would have been provided for in this article as a right.

"Article VII. It is also understood that, for the space of ten years from the signature of the present convention, the vessels of the two Powers, or those belonging to their respective subjects, shall mutually be at liberty to frequent, without any hindrance whatever, all the inland seas, the gulfs, havens, and creeks on the coast mentioned in Article III., for the purposes of fishing and of trading with the natives."

This is a mutual ten-year license given by respective owners, by the British claiming to be owner of the coast south of 54 de-

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grees 40 minutes, and by Russia as owner of the coast north of this line, including all its "inland seas, gulfs, harbors, and creeks." It is plain that the coast on which they lie is the shore with all its sinuosities. There could have been no ten-year license, which could be and was revoked at its expiration, if England had the right to go to the head of Lynn Canal as her coast.

The French word "*crique*," translated "creek," may mean just such a "canal" or inlet. It does not mean a small stream, as in America. It is defined as a marine term, a little inlet *(literally,* panhandle), in the broken parts of a shore, or a cleft or cut forming a canal extending into the land.

Neither party to the treaty could license the use of its inland seas, gulfs, bays, and creeks, unless the boundaries of its possessions ran around them.

The rest of the treaty relates to Sitka, trade in liquors or firearms, refitting vessels after accident, etc., not material to the issue.

Thus, it is absolutely plain from the terms of the treaty that the whole shore, including the gulfs, bays and inland seas, was to belong to Russia down to latitude 54 degrees 40 minutes, and that south of that line they were to belong to England; that the word "ocean" included all tidal estuaries, that the interior boundary line was to be a line of mountains on the continent, inside of the "sinuosities of the shore," unless the range of mountains were more than ten leagues therefrom, when a line at that distance from these sinuosities should be the boundary. The well-defined point where the line was to begin was fixed by the survey at that exact distance from the head of the next nearest bay or inlet, and far within any Canadian line fixed by the projections of the continent. Moreover, this construction of the treaty is so absolutely confirmed by admissions of ownership that there can be no dispute as to the meaning of the instrument.

If that treaty were a deed, and there were doubt as to its meaning, the intention of the parties has been made so plain by their admissions before and since that it would be reformed in equity. But there is no such doubt.

RICHARD WAYNE PARKER.

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THE SUPREME COURT OF THE UNITED STATES: ITS PLACE IN THE CONSTITUTION.*

BY THE HON. JOSEPH H. CHOATE, UNITED STATES AMBASSADOR TO THE COURT OF ST. JAMES'S.

FROM the very date of the Declaration of Independence, Congress, conscious of the inadequacy of its powers, even for the purposes of carrying on war and conducting foreign affairs, entered upon the novel and difficult task of arranging a scheme which should enable it more efficiently to conduct those affairs which were of common interest to all the people of the thirteen States, and which no one of them, nor all of them individually, could control. After two years they adopted and submitted to the States what they styled "Articles of Confederation and perpetual Union," but it was not until March, 1781, that the powers of Congress were enlarged by the final ratification of these articles by the delegates of all the States.

But this attempted bond of union—a crude experiment in the formation of a National Government—proved little better than a rope of sand, and utterly failed to accomplish the purposes intended. While the war lasted the tremendous pressure of their common danger and common distress kept the States together, and made them obedient to the requests of Congress which really had no power to command, but as soon as this external pressure was taken off, they fell apart, and each asserted its independent sovereignty.

So jealous were the States, which had just escaped from the dominion of one central power, of anything which should seem to create dominion over them in another, that although upon paper

* The substance of this article constituted an address delivered by the author before the Social and Political Education League in London, on May 13th.

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they had laid many restraints upon their own action, and conferred upon Congress extensive powers over their Federal affairs, they had carefully refrained from giving any sanction to those powers, and from granting to Congress the means of compelling obedience to its enactments. The Articles provided for no Federal Executive and for no Judiciary Department, although they authorized Congress to provide for the settlement of boundary disputes between States, and to appoint Courts of prize and for the trial of piracies and felonies on the high seas. Moreover, Congress could not of its own authority raise a dollar of money for revenue, or a single man to recruit its armies. It could only make requisitions for men and money upon individual States, which met them or not as they found it convenient. Nor could it proceed at all in the exercise of the principal powers nominally conferred upon it until nine States assented to the same.

Of course, under such a system our national affairs drifted steadily and rapidly from bad to worse. Interest on the public debt could not be paid, nor the ordinary expenses of government be provided for. The treaties which had been made could not be carried out, and foreign nations would not deal in the way of new treaties with the envoys of a body which had no head and no power to perform what they should agree to in its behalf. Our external commerce was at the mercy of foreign nations, whose laws, contrived for its destruction, Congress could do nothing to counteract. And, worst of all, our domestic commerce, which between all the citizens of one nation should be free and equal, was at the mercy of the caprice or selfishness of each individual State. There were many boundary disputes between States which threatened civil war. Federal laws were a dead letter, without Federal Courts to expound and define their true meaning and operation, or an Executive to see that they were properly executed. There was a general failure as yet to realize in actual enjoyment the advantages we had won by seven years of war, and everything seemed drifting towards bankruptcy, disunion, and anarchy.

But these very defects of the Confederation, and the evils which resulted from them, demanded the constant exercise of the best brains in all the States to understand and to remedy them, and opened a new school for all our statesmen in the study of Constitutional Government.

Their allotted task was to create a National Government which

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should reach, for its own proper purposes, by its own power, every man and every foot of territory in the whole United States, and should at the same time leave untouched and undiminished the complete control by each State of all its internal and domestic affairs;—which should be entirely adequate, without aid from the States, to govern the people effectively in all matters that involved the general interests of all, to deal with foreign nations with the whole power and resources of the entire people behind it, in all the exigencies of Peace and War, and to accomplish all this with the least possible vesting of arbitrary power in any department or officer of the new Government.

They differed in opinion and sentiment on many points, but all agreed in a supreme dread of arbitrary power, whether it should be exercised by the Executive, the Legislative or the Judiciary Department, whether by a single man, or by a majority of all, for they considered that the majority without any restrictions upon its power might become quite as dangerous as any other despot. They did not believe with my Lord Coke that absolute despotic power must in all governments reside somewhere. They carried this distrust of arbitrary power so far that they actually tied the hands of the people, whom they regarded as the source of all political power, and deprived them of the right to consider any amendment of the Constitution, until it should be proposed by a vote of two-thirds of both Houses of Congress or by a Convention called by Congress, on the application of the Legislatures of two-thirds of the States, and deprived them of the power of voting directly upon any amendment, which could only be ratified by the Legislatures or Conventions of three-fourths of the States.

One of the best definitions of the objects of free popular government is contained in the preamble of the Constitution:

> "We, the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic tranquillity, provide for the common defence, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

It was to "establish justice" for the people of the United States that the Federal Judiciary, with the Supreme Court as its head, was created. It forms the balance wheel by which the affairs of the Nation and its relation to the States are kept in

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working order, and is itself held in check by the power of the President to appoint its members as vacancies may occur, and by the power of Congress to impeach them for misconduct, to regulate the measure of its appellate jurisdiction, and to increase or diminish its numbers. The permanent stability of the judicial power is assured by its being imbedded in the Constitution, with a jurisdiction co-ordinate with that of the Executive and Legislative Departments, by the extreme difficulty in the way of any amendment that would impair it, and by the universal conviction which the experience of a century has produced, that its continued existence with the full enjoyment of its present functions is absolutely essential to the successful working of our scheme of popular representative government.

The great achievement of the framers of the Constitution, was so to distribute the powers of government between the States and the Nation, as to give the latter supreme control over all subjects that concerned the general interests of all, and reserve to each of the former exclusive control over local affairs which concerned only its own territory and people, and to do this in such a way that the State and Federal Administrations should not clash in actual operation.

They knew well the importance of a distribution of the powers of government between the three great departments. They created a Congress on which they conferred legislative powers over eighteen enumerated subjects, necessarily involving the general interests of the people of all the States and essential to National Sovereignty, including the levying and collection of taxes for Federal purposes, the borrowing of money, the regulation of commerce with foreign nations and among the several States, the coining of money, declaring war, raising and supporting armies, and maintaining a navy.

They placed such limits upon the exercise by Congress of legislative power as should prevent its interference with legitimate local administration by the States, or with the fundamental rights of the citizens, and put such prohibitions upon the legislative power of the States as should prevent their interference with the general powers and functions of the Federal Government.

They vested the executive power of the Federal Government in the President, who was made Commander-in-Chief of the Army and Navy and of the Militia of the States when called into the

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service of the United States. He was granted power to pardon offenders against the United States, to make Treaties, provided two-thirds of the Senate concur, to have a veto power over acts of Congress, which could be overridden only by a vote of two-thirds on reconsideration. He was also to nominate, with the advice and consent of the Senate, Ambassadors, Judges, and all the principal officers of the United States, to recommend to the consideration of Congress such measures as he should judge necessary and proper, to commission all officers of the United States, and to take care that the laws should be faithfully executed.

And, finally, to secure the absolute supremacy of the Federal Government over all matters of Federal cognizance, it was expressly provided that "this Constitution and the laws of the United States which shall be passed in pursuance thereof, and all Treaties made under the authority of the United States, shall be the supreme law of the land, and the judges of every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding." This making the Federal Constitution, and Treaties made, and laws of Congress passed, under its authority, the supreme law of the land is the key of our dual system of Government, as the omnipotence of Parliament is the key of the British Constitution.

By the 10th amendment, passed immediately after the adoption of the Constitution, to prevent Congress from meddling with the domestic concerns of the States, or exercising powers not granted to them, it was expressly provided that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the People.

Thus the people of the United States created for themselves two separate and distinct governments, each "of the people, by the people, and for the people," each independent and exclusive of the other within its own scope and sphere, and each able, without aid from the other, to reach for its own purposes, by its own authority, every person and every foot of land within its territory. This dual system has worked very simply, smoothly, and harmoniously from the beginning until now, except for the single occasion when the terrible question of slavery proved to be too much for all the Departments of Government combined, and could only be settled by our long years of Civil War.

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But how has this marvellous result been accomplished? How has it been possible for these two Governments, each of prescribed and limited powers, and each department of both similarly defined, to act independently and at the same time harmoniously over the same people? By what magical force has each power, State and Federal, been kept within its own limits? What has prevented constant and hopeless conflict between State functions and officials, and Federal functions and officials, between State and Nation, and between State and State, originally 13 in number and now 45?

These, and a thousand other similar questions and doubts as to the successful working of our system, are answered by pointing to the Supreme Court created by the Constitution, and to the Federal Courts inferior to it created by Congress, in which the judicial power of the United States is vested, a power which, as I have said, is co-ordinate and co-extensive with the Executive and Legislative. Over whatever region Congress may attempt to legislate, or the President to execute its laws, there the judicial power extends, to pass, if need be, upon the legality of their acts and the validity of their laws. The Constitution, and each of its provisions, is supreme over President, Congress, Courts, and States, and the valid laws of Congress, and Treaties made under the authority of the United States, are the supreme law of the land for all its people, and for the Courts, Legislatures, and Governors of each State.

The Supreme Court is the final judge of the validity of all laws passed by Congress or by the Legislatures of each of the forty-five States, when brought to the test of the Constitution of the United States, and of the legality of all official acts when brought to the same test. It and the Federal Courts inferior to it furnish the vehicle by which the judicial power of the United States is carried into the whole of its vast territory, to administer justice within the limits prescribed to it, to enforce the Federal laws and to punish offenders against them.

The third Article of the Constitution is marvellously brief and simple. The Judges, according to that good old rule which has worked so well in England since the days of William and Mary, are to hold their offices during good behavior, and can only be removed by impeachment, and their compensation shall not be diminished during their continuance in office. The Supreme

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Court has original jurisdiction only in cases affecting Ambassadors, Public Ministers, and Consuls, and in those in which a State shall be a party. The first branch of this original power has seldom been invoked, but over and over again a great State has been brought to its bar by another State to settle boundary disputes, always the most dangerous to the peace of adjoining States, and in each instance its decree has been submitted to with implicit obedience—a most unique judicial power, and a most convincing example to persuade all nations to settle these most perilous questions by arbitration.

It has been well said "that the provision that the judicial power created by the people shall be the arbiter between the States themselves, in all their controversies with each other, marks the highest level ever attained in the progress of representative government." Tocqueville says: "In the nations of Europe the Courts of Justice are only called upon to try the controversies of private individuals, but the Supreme Court of the United States summons sovereign powers to its bar." John Stuart Mill declares it to be "the first example of what is now one of the most prominent wants of civilized society, a real International Tribunal."

In all other matters the jurisdiction of the Supreme Court is only appellate. The judicial power extends only to cases as they arise between party and party, and in the Supreme Court as they come to it mostly by appeal from the inferior Federal Courts, or by writ of error to the State Courts.

The Courts of the United States exercise no supervision over, or interference with, the President or Congress, or the Legislatures of the States. They have no veto power. They do not lie in wait for Acts of Congress to strangle them at their birth. They have no jurisdiction to pronounce any Statute, either of a State or of the United States, void because irreconcilable with the Constitution, except as they are called upon to adjudge the legal rights of litigants in actual controversies. They simply pass upon the rights of parties as they come before them.

The Supreme Court will perform no duties except judicial duties. So, when in 1793 President Washington requested the opinions of the Judges on the construction of the Treaty with France of 1778, they declined to comply, and when an early Congress enacted that certain pension claims should be considered and

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passed upon by the Federal Courts, the Supreme Court upheld them in refusing to act under it, upon the ground that the power proposed to be conferred was not judicial power within the meaning of the Constitution. Nor will the Court give a hearing to a fictitious or collusive case, contrived to raise a question as to the validity of a Statute.

Keeping strictly within the limit prescribed to it of exercising only judicial power, the Federal Judiciary has steadily refrained from exercising any political power, which belongs exclusively to Congress and the President, and so it has been brought into no collision with the other departments. It will not even indulge in discussions, or express opinions upon purely political questions.

All attempts, for instance, to induce it to interfere either to restrain or compel the President in the exercise of his power to see that the laws are faithfully executed have failed. In the case of foreign nations, as well as in that of the Sovereign States of the Union, the Government acknowledged by the President, or by the President and Congress, is always recognized by the Supreme Court. In all such questions as are purely political it holds itself bound by the acts of other departments.

So on the question whether and upon what conditions aliens shall be expelled or excluded from the United States, belonging to the political departments of the Government, the Court refused to express any opinion upon the wisdom, the policy, or the justice of the measures enacted by Congress in the exercise of the powers confided to it by the Constitution over that subject. Thus it constantly sets the example to each of the other departments of the Government of minding its own business, and keeping strictly within its assigned province.

But, careful as the Judges are to confine the exercise of the Federal judicial power to cases as they arise, that power does extend to "all cases of law and equity arising under the Constitution, the laws of the United States, and Treaties made under their authority, to all cases affecting Ambassadors, other public Ministers and Consuls, and to all cases of Admiralty and Maritime jurisdiction"; and whenever any such case does come before the Supreme Court it must take cognizance of it, and it cannot shrink, and never has shrunk, from determining the question of private right so arising. It is under these clauses that its unique and peculiar function of testing the validity of State Laws and

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Constitutions and of Federal Statutes, and the legality of the acts of State and Federal officers, arises.

The remainder of the Federal judicial power depends wholly upon the character of the parties to the controversy. It extends "to controversies to which the United States shall be a party"—this enables the Federal Courts to enforce the Acts of Congress, civil and criminal, against all persons within the realm; "to controversies between two or more States," the purpose of which I have already indicated, as making the Supreme Court the Arbitrator and Peacemaker between Sovereign States; to "controversies between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects." It was wisely concluded that in all such cases justice would be safer and surer, against State or local interest, prejudice or passion, in Courts representing and vested with the authority of the whole nation, than in the Courts of the State of an interested party, and that foreigners especially should have the right to have their causes heard and decided by National Tribunals.

These clauses, which make jurisdiction dependent upon the citizenship or character of the parties, have been a prolific source of litigation in the Federal Courts, have opened to them the entire field of law and equity, have extended their adjudications to the whole body of jurisprudence, and have given to the decisions of the Supreme Court, by reason of the weight and force of character of the Court and its members, a commanding authority with the State Courts, and persuasive influence with foreign tribunals. But in this department of its functions the Supreme Court does not differ, in the scope of its powers and duties, from the Courts of last resort of other nations, and its distinctive and peculiar character is not involved.

The power of the Court to declare State and Federal Statutes and the acts of the National and State Executive officers invalid, as being in violation of the Constitution of the United States, naturally attracts the attention of foreign observers.

In the 112 years of its existence the Court has pronounced 21 Acts of Congress, and more than 200 State Statutes, to be in conflict with the Federal Constitution, and therefore invalid, and in each instance there has been complete and peaceful acquiescence

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in the decision. So that instead of being a disturbing element, the exercise of this power confirms the peaceful relations between the States and the Nation, and between the States as among themselves, protects foreign nations from the breach of Treaties, and conserves the rights of property and contract, and the fundamental rights of personal liberty.

I may not, perhaps, do better than to give several examples of the exercise of this wholesome, beneficial, and altogether conservative power.

The Constitution provides that "no State shall pass any law impairing the obligation of contracts," and the aid of the Court has often been invoked for protection against the attempts of States to violate this prohibition.

The framers of the Constitution believed, and the people of the United States, in view of the successful operation of this prohibition for more than a century, believe that the States ought not to be permitted to intervene between the parties to a contract, to destroy or impair the binding force of terms by which they have agreed to be bound, and that such intervention is contrary to the principles of popular government.

It is true that in the days that tried men's souls before the adoption of the Federal Constitution many attempts had been made by States to intervene for this purpose, which doubtless led to the adoption of this clause.

In the celebrated Dartmouth College case the protection of this clause was invoked by the Trustees of the College, to recover its property from a person who held it for new Trustees under the authority of a law of the State of New Hampshire.

In 1769, King George the Third by Royal Charter incorporated twelve persons, therein named as "The Trustees of Dartmouth College," granting to them and their successors the usual corporate privileges and powers, and authorizing the Trustees who were to govern the College to fill up all vacancies which may be created in their own body. The application by the Founder, who had already established the College, was for a Charter to incorporate a religious and literary institution, and stated that large contributions had been made for the object, which would be conferred upon the Corporation as soon as it was created, and on the faith of the Charter the property was conveyed to it. After the revolution, in 1816, the Legislature of New Hampshire passed

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an Act increasing the number of Trustees to 21, giving the appointment of the additional members to the Governor of the State, and creating a Board of Overseers with power to inspect and control the most important acts of the Trustees.

Admitting that the provision of the Constitution embraced only contracts which respect property or some object of value, and which confer rights which may be asserted in a Court of Justice, and did not refer to grants of political power or to acts creating institutions to be employed in the administration of Government or of public property, or in which the State as a Government was alone interested, the Court after most mature consideration reached the conclusion, that the Charter was a contract which secured to the Trustees the property and control of the College—a contract, made upon valuable consideration, for the security and disposition of property, and on the faith of which real and personal property had been conveyed to the Institution, and therefore a contract, the obligation of which could not be impaired without a violation of the Constitution of the United States.

It held that the Statute of New Hampshire did impair it, and was therefore void, and rendered judgment restoring the property and control of the College to the Trustees who represented the Founder. The opinions of Chief-Justice Marshall and Judge Story are masterpieces of judicial reasoning, and the principles laid down by them have ever since prevailed. In 56 cases decided by the Court, Acts of State Legislatures have been declared invalid in accordance with these principles, because they impaired the obligation of contracts, and it is not too much to say that, instead of having a disturbing or disintegrating effect upon civil society, these decisions have done more than any other single cause to inculcate a reverence for the law and for the sanctity of the right of private property which is one of the chief objects of free government.

It is true that the constitutional prohibition against laws impairing the obligation of contracts does not expressly apply also to Congress. In the Convention Mr. Gerry, a prominent delegate from Massachusetts, made a motion that Congress ought to be laid under the like prohibition, but found no seconder. But in the amendments which were proposed by Congress at its first session, almost as conditions on which many of the States had

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adopted it and which were quickly ratified, other restraints were laid upon Congress which had the like effect. It was expressly declared that no person shall be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation, and Congress is bound by these prohibitions. No matter what the emergency, it cannot violate these fundamental principles of personal rights.

The Court has held that the United States cannot, any more than a State, interfere with private rights except for legitimate governmental purposes, that they are as much bound by their contracts as are individuals, that if they repudiate their obligations it is as much repudiation, with all the wrong and reproach that term implies, as it would be if the repudiator had been a State, a Municipality, or a citizen.

But strict and earnest as the Court has been in enforcing this constitutional prohibition against laws impairing the obligation of contracts, it has been ready to recognize and give full force and effect to the Statutes of other nations which imposed no such prohibition on the law-making power.

The Canada Southern Railway Company, under its Charter granted by the Dominion of Canada, had issued its bonds at a high rate of interest, and had sold them in New York to citizens of the United States; but getting into difficulties, the Company devised a scheme of arrangement, which was enacted by the Dominion Parliament, by which the interest on the bonds outstanding was scaled down to a lower rate without the consent of the bondholders, a clear case of impairing the obligation of a contract. The bondholders appealed to the Supreme Court, which held that the "Arrangement Act" was valid in Canada, and bound non-assenting bondholders there by force of the scheme; that as it did have that effect in Canada, the Courts of the United States should give it the same effect as against citizens of the United States whose rights accrued in the United States before its passage; that there was no constitutional prohibition in Canada against the passing of laws impairing the obligations of contracts, and that, under these circumstances, the true spirit of international comity required that schemes of this character, legalized at home, should be recognized in other countries.

The clause of the Constitution giving Congress the power to regulate commerce with foreign nations, and between the States,

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has been another fruitful source of business in the Supreme Court in the way of testing the validity of State laws.

At the outset of steam navigation, the State of New York undertook to reward Robert Fulton for his invention and enterprise by an Act giving him the monopoly of navigating by fire or steam all the waters within the jurisdiction of the State. Under this Act the Assignee of Fulton had commenced running a line of boats between certain ports of New Jersey and New York, and obtained from the State Courts of New York an injunction to restrain the owners of an opposition line of boats, put on between the same ports, from entering the waters of New York State with their boats. But the Supreme Court held, upon appeal, that the New York enactment was in conflict with the power of Congress to regulate commerce, and with its Acts in relation to commerce, and upon this vacated the injunction and established the right of all vessels to enter the port of New York under the authority of Congress.

By a long series of decisions that followed under the commerce clause the Court, with inflexible firmness and far-reaching sagacity, established the absolute supremacy of the nation over the whole subject of commerce, navigation, travel, and intercourse between the States, which went far to strengthen the power of the Union. At the same time they secured to the citizens of every State the full enjoyment of the privileges and immunities of citizens in all the other States, and also that absolute freedom of internal trade throughout the country which has so vastly promoted the prosperity of the people.

The influence of the Court in maintaining the faith of Treaties has been powerful and far reaching. By the Treaty of Peace with Great Britain, in 1783, it was agreed that British creditors should "meet with no lawful impediments" in the collection of their claims; and the Constitution said that Treaties, like laws, made under its authority, should be the supreme law of the land. Various attempts had been made by several States, before the adoption of the Constitution, to impede or prevent the collection of such claims. The subject provoked bitter and exciting controversies, but the Court, against the contention of John Marshall himself, then at the Bar, held that the Treaty was supreme, and equal in its effect to the Constitution itself, in overruling all State laws upon the subject, and that its words were as strong

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as the wit of man could devise to override all obstacles directed against the recovery of such debts. Of course, any such law passed by a State after the Treaty contrary to its terms would be void.

Perhaps the most striking illustration of the power of the Court to declare Acts of Congress itself invalid, as contrary to the Constitution, was the celebrated Income Tax case. Congress in 1894 had passed a General Revenue Law, certain sections of which imposed an Income Tax upon all incomes exceeding a certain amount named. This tax was levied indiscriminately upon all incomes alike, from whatever source derived, whether from the rents of real estate, the income of invested personal property, or from earnings. But the Constitution had ordained that direct taxes should be apportioned among the several States according to the numbers of their respective populations, in contradistinction to duties, imposts, and excises, which should be uniform throughout the United States.

It was contended by those who challenged the validity of the law, that taxes on rent, and taxes on the income derived from invested personal property, were direct taxes within the meaning of the Constitution, and that instead of being levied uniformly, man for man, throughout the United States, they should have been apportioned among the several States according to population. The difference was very considerable and substantial. The effect of the Act, if sustained, would be to throw the principal burden of the Tax upon a few large States, in which the relative proportion of wealth was in excess of the relative proportion of population, and to exempt the other States proportionally from their constitutional share of the Tax. The opponents of the Income Tax also insisted that any inequality, which should arise from its being apportioned among the States according to population, was an inequality contemplated by the framers of the Constitution, and was intended to prevent an attack upon accumulated property by mere force of numbers.

The Court, against vehement and powerful opposition at the Bar, and from a formidable minority of the members of the Court itself, took this view, and declared the Tax to have been laid unconstitutionally, so far as it affected incomes from rents and from invested personal property. And as the invalid portions constituted so large a proportion of the whole Income Tax levied by the Act that Congress could not be deemed to have intended to im-

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pose the rest without them, it further adjudged that all the Income Tax provisions of the Act, which constituted a single and entire scheme, must be held void.

The same case contains a fine illustration of the power of the Court to protect the States in the exercise of their legitimate power to manage their own affairs from interference by the Federal Government. The Income Tax was levied also upon income derived from the interest upon bonds issued by Municipal Corporations, which were but civil divisions of the States, and the Court held that as a tax upon the income of Municipal bonds tended to cripple the power of the local authorities to raise money for the purposes of local government, it was not within the power of the Federal Government to impose it, any more than it would be constitutional for the States to impair the power of the Federal Government to raise money for Federal purposes by taxing its bonds.

By the adoption of the 14th Amendment, to meet the conditions resulting from the abolition of slavery at the close of the Civil War, new restraints were imposed upon the States, the consideration of which has largely occupied the attention of the Supreme Court.

It provides that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Doubtless this amendment was primarily intended for the protection of the newly emancipated slaves, especially in the States where they had so long been held in bondage, but in its language there is no distinction of race or color, and the Court held that it could make no such distinction in its application, which must be made alike to all cases and subjects that came within the scope of its language in its natural meaning.

It must not be thought, however, from these numerous restraints imposed by the Constitution upon the power of the States, and the very considerable number of cases (exceeding 200 in all) in which the Supreme Court has pronounced their Statutes invalid, that the Court is biased against the States, or inclined unduly to enforce the limits imposed upon them. On the contrary, it has been quite as jealous and careful to uphold and maintain

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the reserved rights of the States in all matters of local and domestic concern, and to protect them from violation by the Federal Government, as it has been to maintain the exclusive province of Congress in national concerns against intrusion by the State Legislatures.

It has endeavored, with success, to maintain the just and exact balance of power between them as prescribed by the Constitution. As against the 200 cases in which State laws have been invalidated by its judgments, vastly more numerous cases will be found, in its reports, in which State laws have been maintained by it against attack on the ground that they involved a violation of the Federal restraints. If, then, it be asked, Why has it only pronounced twenty-one Acts of Congress invalid on constitutional grounds, while 200 State laws have been condemned? the answer is that there are forty-five States and only one Congress, and that the members and Committees of Congress are much more familiar with the Federal Constitution than those of a State Legislature, who naturally look first to that of their own State. It is notable, too, that the legislators of some States must be much more studious of the Federal Constitution than others, for while Louisiana, which became a State in 1812, and from its French origin has retained the civil law instead of the common law, has had twenty of its laws pronounced invalid for violation of the Constitution, Massachusetts, one of the original thirteen States, has only suffered twice in this way in her whole history.

Congress is, of course, in the first instance the judge of the constitutionality of its own Acts, and its members, being mostly lawyers, are familiar with the letter and spirit of the Constitution. The cardinal and wholesome rule of the Court has been, not to pronounce either a State or Federal Law invalid on constitutional grounds unless the violation is clearly established, that the presumption is in favor of the validity of a Statute, and that this continues until the contrary is shown beyond a rational doubt.

It has been a source of frequent wonder to foreign observers that a written Constitution, which was framed in the eighteenth century for thirteen feeble States, with three millions of people of substantially uniform wealth or poverty, scattered along the Atlantic seaboard, and for whose government it was regarded as a precarious experiment, should be found to answer as well in the twentieth century for the needs of a great nation of eighty mill-

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ions in forty-five States, occupying the breadth of the Continent, with gigantic accumulations of individual and corporate property, with conflicting interests and sentiments, and wide differences of social condition.

There was much debate in the discussions which resulted in the adoption of the Constitution, whether the Government which it called into being could reach and control even a people that was expected to occupy the territory which the Treaty of Peace of 1783 secured to the United States, which extended only from the Atlantic to the Mississippi River, and from the lakes to the northern boundary of Florida. Since that time our territory has expanded more than four times, and now embraces insular possessions of vast extent, at enormous distance from the seat of Government and half-way round the globe.

The fundamental difficulties of time and space have been overcome by the triumphs of steam and electricity, wholly unforeseen and unexpected in 1787, but which now, in the case of the United States and Great Britain alike, have rendered possible the administration of Government from London or from Washington on any portion of the earth's surface.

But in our case, we can account for the fact that a written Constitution, instead of being torn asunder and left by the way as the Nation expanded, as new and wholly unexpected conditions arose, has grown with the growth of the Nation, like the hide of an animal from its birth to its maturity, so that it still embraces and covers the whole of our vast national life. We owe it, first, to the wisdom of its framers, who inserted in it only fundamental rules and principles, generally and briefly expressed, leaving it always to Congress to fill in and provide for all details; and secondly, to the vigorous and masterly manner in which the Supreme Court has exercised its essential and lawful function of construction. By this it has applied the whole instrument and each of its parts to new conditions as they arose, and has developed and strongly asserted the inherent powers of sovereignty intended to be vested in the Government of the United States, and necessarily resulting from their existence as a Nation It was our happy fortune that for 34 years, in that critical period of our history which was to determine whether we were to be a great and powerful Nation, adequate for all the needs of a first-class Power in the world, or only a league of States like the old

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Confederation, we had the benefit of the broad and robust intellect of Chief-Justice Marshall, to enforce the liberal principles of construction which the genius of Hamilton had laid down.

In a single paragraph he states the whole theory upon which the Court has administered the Constitution, and fitted it to the growing wants and changing conditions of the Nation:

"The Government is acknowledged by all to be one of enumerated powers. The principle that it can exercise only the powers granted to it is now universally admitted. But the question respecting the extent of the powers actually granted is perpetually arising, and will probably continue to arise, as long as our system shall exist. The powers of the Government are limited, and its powers are not to be transcended. But the sound construction of the Constitution must allow to the National Legislature that discretion with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it, in a manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, and which are not prohibited, but are consistent with the letter and spirit of the Constitution, are constitutional."

Hamilton, in the "Federalist," declared that "the judiciary is beyond comparison the weakest of the three departments of power; that it can never attack with success either of the other two; and that all possible care is requisite to enable it to defend itself against their attacks." Montesquieu, whose works, with Blackstone's were the text-books of constitutional liberty which the framers had constantly in hand, declared that "the judicial power is next to nothing." And it was said by another French publicist: "It has no guards, palaces, or treasures, no arms but truth and wisdom, and no splendor but the justice and publicity of its judgments." But the Supreme Court, sustained generally by the confidence and affection of the people, has more than held its own. Keeping carefully within its own limits, it has for the most part labored to keep the other departments of Government within theirs, and the powers of the States and of the Nation from coming into conflict. In its hands the judicial power has been the force of gravitation which has kept each member of our federal system in its proper orbit, and maintained the essential harmony of the whole.

JOSEPH H. CHOATE.

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THE AMBASSADORS.

BY HENRY JAMES.

PART VI.

XIII.

It was quite by half-past five—after the two men had been together in Mme. de Vionnet's drawing-room not more than a dozen minutes—that Chad, with a look at his watch and then another at their hostess, said genially, gayly: "I've an engagement, and I know you won't complain if I leave him with you. He'll interest you immensely; and as for her," he declared to Strether, "I assure you, if you're at all nervous, she's perfectly safe."

He had left them to be embarrassed or not by this guarantee, as they could best manage, and embarrassment was a thing that Strether was at first not sure Mme. de Vionnet escaped. He escaped it himself, to his surprise; but he had grown used by this time to thinking of himself as brazen. She occupied, his hostess, in the Rue de Bellechasse, the first floor of an old house to which our visitors had had access from an old clean court. The court was large and open, full of revelations, for our friend, of the habit of privacy, the peace of intervals, the dignity of distances and approaches; the house, to his restless sense, was in the high, homely style of an elder day, and the ancient Paris that he was always looking for — sometimes intensely felt, sometimes more acutely missed—was in the immemorial polish of the wide waxed staircase and in the fine *boiseries,* the medallions, mouldings, mirrors, great clear spaces, of the grayish-white salon into which he had been shown. He seemed to see her, at the outset, in the midst of possessions not vulgarly numerous, but hereditary, cherished, charming. While his eyes, after a little, turned from those of his hostess and Chad freely talked—not in the least about *him,* but about other people, people he didn't know, and quite as if he *did* know them—he found himself making out, as a background of the occupant, some glory, some prosperity of the first Empire, some Napoleonic glamour, some dim lustre of the great legend; elements clinging still to all the consular chairs and mythological brasses and sphinxes' heads and faded surfaces of satin striped with alternate silk.

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The place itself went further back—that he guessed, and how old Paris continued, in a manner, to echo there; but the post-revolutionary period, the world he vaguely thought of as the world of Chateaubriand, of Mme. de Staël, of the young Lamartine, had left its stamp of harps and urns and torches, a stamp impressed on sundry small objects, ornaments, and relics. He had never before, to his knowledge, been in the presence of relics, of any special dignity, of a private order—little old miniatures, medallions, pictures, books; books in leather bindings, pinkish and greenish, with gilt garlands on the back, ranged, together with other promiscuous properties, under the glass of brass-mounted cabinets. His attention took them all tenderly into account. They were among the matters that marked Mme. de Vionnet's apartment as something quite different from Miss Gostrey's little museum of bargains and from Chad's lovely home; he recognized it as founded much more on old accumulations that had possibly from time to time shrunken than on any contemporary method of acquisition or form of curiosity. Chad and Miss Gostrey had rummaged and purchased and picked up and exchanged, sifting, selecting, comparing; whereas the mistress of the scene before him, beautifully passive under the spell of transmission—transmission from her father's line, he quite made up his mind—had only received, accepted and been quiet. When she had not been quiet, at least, she had been moved, at the most, to some occult charity for some fallen fortune. There had been objects she or her predecessors might even conceivably, on occasion, needfully have parted with; but Strether couldn't suspect them of having sold old pieces to get "better" ones. They would have felt no difference as to better or worse. He could but imagine their having felt—perhaps in emigration, in proscription, for his sketch was slight and confused—the pressure of want or the obligation of sacrifice.

The pressure of want—whatever might be the case with the other force—was, however, presumably not active now, for the tokens of a chastened ease, after all, still abounded, many marks of a taste whose discriminations might perhaps have been called eccentric. He guessed at intense little preferences and sharp little exclusions, a deep suspicion of the vulgar and a personal view of the right. The general result of this was something for which he had no name, on the spot, quite ready, but something he would have come nearest to naming in speaking of it as the air of supreme respectability, the consciousness, small, still, reserved, but none the less distinct and diffused, of private honor. The air of supreme respectability—that was a strange blank wall for his adventure to have brought him to break his nose against. It had in fact, as he was now aware, filled all the approaches, hovered in the court as he passed, hung on the staircase as he mounted, sounded in the grave rumble of the old bell, as little electric as possible, of which Chad, at the door, had pulled the ancient but neatly-kept tassel;

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it formed, in short, the clearest medium of its particular kind that he had ever breathed. He would have answered for it at the end of a quarter of an hour that some of the glass cases contained swords and epaulettes of ancient colonels and generals; medals and orders once pinned over hearts that had long since ceased to beat; snuff-boxes bestowed on ministers and envoys; copies of works presented, with inscriptions, by authors now classic. At bottom of it all, for him, was the sense of her rare unlikeness to the women he had known. This sense had grown, since the day before, the more he recalled her, and had been above all singularly fed by his talk with Chad in the morning. Everything, in fine, made her immeasurably new, and nothing so new as the old house and the old objects. There were books, two or three, on a small table near his chair, but they had not the lemon-colored covers with which his eye had begun to dally from the hour of his arrival and to the opportunity of a further acquaintance with which he had, for a fortnight now, altogether succumbed. On another table, across the room, he made out the great *Revue;* but even that familiar face, conspicuous in Mrs. Newsome's parlors, scarce counted here as a modern note. He was sure, on the spot—and he afterwards knew he was right—that this was a touch of Chad's own hand. What would Mrs. Newsome say to the circumstance that Chad's interested "influence" kept her paper-knife in the *Revue?* The interested influence, at any rate, had, as we say, gone straight to the point—had in fact soon left it quite behind.

She was seated, near the fire, on a small stuffed and fringed chair, one of the few modern articles in the room; and she leaned back in it with her hands clasped in her lap and no movement, in all her person, but the fine, prompt play of her deep young face. The fire, under the low white marble, undraped and academic, had burnt down to the silver ashes of light wood; one of the windows, at a distance, stood open to the mildness and stillness, out of which, in the short pauses, came the faint sound, pleasant and homely, almost rustic, of a plash and a clatter of *sabots* from some coach-house on the other side of the court. Mme. de Vionnet, while Strether sat there, was not to shift her posture by an inch. "I don't think you seriously believe in what you're doing," she said; "but all the same, you know, I'm going to treat you quite as if I did."

"By which you mean," Strether directly replied, "quite as if you didn't! I assure you it won't make the least difference with me how you treat me."

"Well," she said, taking that menace bravely and philosophically enough, "the only thing that really matters is that you shall get on with me."

"Ah, but I don't!" he immediately returned.

It gave her another pause; which, however, she happily enough shook off. "Will you consent to go on with me a little—provisionally—as if you did?"

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Then it was that he saw how she had, decidedly, come all the way; and there accompanied it an extraordinary sense of her raising from somewhere below him her beautiful suppliant eyes. He might have been perched at his door-step or at his window, and she standing in the road. For a moment he let her stand, and he couldn't, moreover, have spoken. It had been sad, of a sudden, with a sadness that was like a cold breath in his face. "What can I do," he finally asked, "but listen to you as I promised Chadwick?"

"Ah, but what I'm asking you," she quickly said, "is not what Mr. Newsome had in mind." She spoke now, he saw, as if to take courageously *all* her risk. "This is my own idea and a different thing."

It gave poor Strether, in truth—uneasy as it made him too—something of the thrill of a bold perception justified. "Well," he answered kindly enough, "I was sure just now that some idea of your own had come to you."

She seemed still to look up at him, but now more serenely. "I made out you were sure—and that helped it to come. So, you see," she continued, "we do get on."

"Oh, but it appears to me I don't at all meet your request. How can I when I don't understand it?"

"It isn't at all necessary you should understand it; it will do quite well enough if you simply remember him. Only feel I trust you—and for nothing so tremendous after all. Just," she said with a wonderful smile, "for common civility."

Strether had a long pause, while they sat, again, face to face, as they had sat, scarce less conscious, before the poor lady had crossed the stream. She was the poor lady for Strether now because, clearly, she had some trouble, and her appeal to him could only mean that her trouble was deep. He couldn't help it; it was not his fault; he had done nothing; but by a turn of the hand she had somehow made their encounter a relation. And the relation profited by a mass of things that were not, strictly, in it or of it; by the very air in which they sat, by the high, cold, delicate room, by the world outside and the little plash in the court, by the first Empire and the relics in the stiff cabinets, by matters as far off as those and by others as near as the unbroken clasp of her hands in her lap and the look her expression had of being most natural when her eyes were most fixed. "You count upon me of course for something really much greater than it sounds."

"Oh, it sounds great enough too!" she laughed at this.

He found himself, in time, on the point of telling her that she was, as Miss Barrace called it, wonderful; but, catching himself up, he said something else instead. "What was it Chad's idea, then, that you should say to me?"

"Ah, his idea was simply what a man's idea always is—to put every effort off on the woman."

"The 'woman'—?" Strether slowly echoed.

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"The woman he likes—and just in proportion as he likes her. In proportion *too*—for shifting the trouble—as she likes *him*."

Strether followed it; then with an abruptness of his own: "How much do you like Chad?"

"Just as much as *that*—to take all, with you, on myself." But she got, more quickly, away from this. "I've been trembling as if we were to stand or fall by what you may think of me; and I'm even now," she went on wonderfully, "drawing a long breath—and, yes, truly, taking a great courage—from the hope that I don't, in fact, strike you as impossible."

"That's at all events, clearly," he observed after an instant, "the way I don't strike *you*."

"Well," she so far assented, "as you haven't yet said you *won't* have, with me, the little patience I ask for—"

"You draw splendid conclusions? Perfectly. But I don't understand them," Strether pursued. "You seem to me to ask for much more than you need. What, at the worst for you, what at the best for myself, can I, after all, do? I can use no pressure that I haven't used You come, really, late with your request. I've already done all that, for myself, the case admits of. I've said my say, and here I am."

"Yes, here you are, fortunately!" Mme. de Vionnet laughed. "Mrs. Newsome," she added in another tone, "didn't think you can do so little."

He had an hesitation, but he brought the words out. "Well, she thinks so now."

"Do you mean by that—?" But she also hung fire.

"Do I mean what?"

She still rather faltered. "Pardon me if I touch on it, but if I am saying extraordinary things, why, perhaps mayn't I? Besides, doesn't it properly concern us to know?"

"To know what?" he insisted, as, after thus beating about the bush, she had again dropped.

She made the effort. "Has she given you up?"

He was amazed afterwards to think how simply and quietly he had met it. "Not yet." It was almost as if he were a trifle disappointed—had expected still more of her freedom. But he went straight on. "Is that what Chad has told you will happen to me?"

She was evidently charmed with the way he took it. "If you mean if we've talked of it—most certainly. And the question is not what has had least to do with my wishing to see you."

"To judge if I'm the sort of man a woman *can*—?"

"Precisely," she exclaimed—"you wonderful gentleman! I do judge—I *have* judged. A woman can't. You're safe—with every right to be. You'd be much happier if you'd only believe it."

Strether was silent a little; then he found himself speaking with a cynicism of confidence of which, even at the moment, the sources

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were strange to him. "I try to believe it. But it's a marvel," he exclaimed, "how *you* already get at it!"

Oh, she was able to say. "Remember how much I was, through Mr. Newsome—before I saw you—on the way to it. He thinks everything of your strength."

"Well, I can bear almost anything!" our friend briskly interrupted. Deep and beautiful, on this, her smile came back, and with the effect of making him hear what he had said just as she had heard it. He easily enough felt that it gave him away, but what, in truth, had everything done but that? It had been all very well to think at moments that he was holding her nose down and that he had coerced her; what had he, by this time, done but let her see, practically, that he accepted their relation? What was their relation, moreover—though light and brief enough in form as yet—but whatever she might choose to make it? Nothing could prevent her—certainly he couldn't—from making it pleasant. At the back of his head, behind everything, was the sense that she was—there, before him, close to him, in vivid, imperative form—one of the rare women he had so often heard of, read of, thought of, but never met, whose very presence, look, voice, the mere contemporaneous *fact* of whom, from the moment it was at all presented, made a relation of mere recognition. That was not the kind of woman he had ever found Mrs. Newsome, a contemporaneous fact who had been distinctly slow to establish herself; and at present, confronted with Mme. de Vionnet, he felt the simplicity of his original impression of Miss Gostrey. She, certainly, had been a fact of rapid growth; but the world was wide, each day was more and more a new lesson. There were, at any rate, even among the stranger ones, relations and relations. "Of course I suit Chad's grand way," he quickly added. "He hasn't had much difficulty in working me in."

She seemed to deny a little, on the young man's behalf, by the rise of her eyebrows, an intention of any process at all inconsiderate. "You must know how grieved he would be if you were to lose anything. He believes you can keep his mother patient."

Strether wondered, with his eyes on her. "I see. *That's* then what you really want of me. And how am I to do it? Perhaps you'll tell me that."

"Simply tell her the truth."

"And what do you call the truth?"

"Well, *any* truth—about us all—that you see yourself. I leave it to you."

"Thank you very much. I like," Strether laughed with a slight harshness, "the way you leave things!"

But she insisted kindly, gently, as if it wasn't so bad. "Be perfectly honest. Tell her all."

"All?" he oddly echoed.

"Tell her the simple truth," Mme. de Vionnet developed in the same tone.

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"But what *is* the simple truth? The simple truth is exactly what I'm trying to discover."

Mme. de Vionnet looked about a while, but presently she came back to him. "Tell her, fully and clearly, about *us*."

Strether meanwhile had been staring. "You and your daughter?"

"Yes—little Jeanne and me. Tell her," she just slightly quavered, "you like us."

"And what good will that do me? Or rather"—he caught himself up—"what good will it do *you*?"

She looked graver. "None, you believe, really?"

Strether hesitated. "She didn't send me out to 'like' you."

"Oh," she charmingly remonstrated, "she sent you out to face the facts."

He admitted after an instant that there was something in that. "But how can I face them till I know what they are? Do you want him," he then braced himself to ask, "to marry your daughter?"

She gave a head-shake as noble as it was prompt. "No—not that."

"And he really doesn't want to himself?"

She repeated the movement, but now with a strange light in her face. "He likes her too much."

Strether wondered. "To be willing to consider, you mean, the question of taking her to America?"

"To be willing to do anything with her but be immensely kind and nice—really tender of her. We watch over her, and you must help us. You must see her again."

Strether felt awkward. "Ah, with pleasure—she's so remarkably attractive."

The mother's eagerness with which Mme. de Vionnet jumped at this was to come back to him later as beautiful in its grace. "The dear thing *did* please you?" Then as he met it with the largest "Oh!" of enthusiasm: "She's perfect. She's my joy."

"Well, I'm sure that—if one were near her and saw more of her—she would be mine."

"Then," said Mme. de Vionnet, "tell Mrs. Newsome that!"

He wondered the more. "What good will that do you?" As she only hesitated, however, he brought out something else. "Is your daughter in love with our friend?"

"Ah," she rather startlingly answered, "I wish you'd find out!"

He showed his surprise. "I? A stranger?"

"Oh, you won't be a stranger—presently. You shall see her quite, I assure you, as if you weren't."

It remained for him, none the less, an extraordinary notion. "It seems to me, surely, that if her mother can't—"

"Ah, little girls and their mothers to-day!" she rather inconsequently broke in. But she checked herself with something that she

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seemed to give out as, after all, more to the point. "Tell her I've been good for him. Don't you think I have?"

It had its effect on him—more than, at the moment, he quite measured. Yet he was consciously enough touched. "Oh, if it's all *you*—!"

"Well, it may not be 'all,'" she interrupted, "but it's to a great extent. Really and truly," she added in a tone that was to take its place with him among things remembered.

"Then it's very wonderful." He smiled at her from a face that he felt as strained, and her own face for a moment kept him so. At last she also got up. "Well, don't you think that for that—"

"I ought to save you?" So it was that the way to meet her—and the way, as well, in a manner, to get off—came over him. He heard himself use the exorbitant word, the very sound of which helped to determine his flight. "I'll save you if I can."

XIV.

In Chad's lovely home, however, one evening ten days later, he felt himself present at the collapse of the question of Jeanne de Vionnet's shy secret. He had been dining there in the company of that young lady and her mother, as well as of other persons, and he had gone into the *petit salon,* at Chad's request, on purpose to talk with her. The young man had put this to him as a favor—"I should like so awfully to know what you think of her. It will really be a chance for you," he had said, "to see the *jeune fille*—I mean the type—as she actually is, and I don't think that, as an observer of manners, it's a thing you ought to miss. It will be an impression that—whatever else you take—you can carry home with you, where you'll find again so much to compare it with."

Strether knew well enough with what Chad wished him to compare it, and though he entirely assented, he had not yet, somehow, been so deeply reminded that he was being, as he constantly, though mutely, expressed it, used. He was as far as ever from making out exactly to what end; but he was none the less constantly accompanied by a sense of the service he rendered. He conceived, only, that this service was highly agreeable to those who profited by it; and he was indeed still waiting for the moment at which he should catch it in the act of proving disagreeable, proving in some degree intolerable, to himself. He failed quite to see how his situation could clear up at all logically except by some turn of events that would give him the pretext of disgust. He was building from day to day on the possibility of disgust, but each day brought forth meanwhile a new and more engaging bend of the road. That possibility was now ever so much further from sight than on the eve of his arrival, and he perfectly felt that, should it come at all, it would have to be at best inconsequent and violent. He struck himself as a little nearer to it only when he asked himself what service, in such a life of utility, he was, after all, rendering Mrs.

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Newsome. When he wished to help himself to believe that he was still all right he reflected—and in fact with wonder—on the unimpaired frequency of their correspondence; in relation to which what was, after all, more natural than that it should become more frequent just in proportion as their problem became more complicated?

Certain it is, at any rate, that he now often brought himself balm by the question, with the rich consciousness of yesterday's letter: "Well, what can I do more than that—what can I do more than tell her everything!" To persuade himself that he did tell her, had told her, everything, he used to try to think of particular things he had not told her. When at rare moments, and in the watches of the night, he pounced on one, it generally showed itself to be—to a deeper scrutiny—not quite truly of the essence. When anything new struck him as coming up, or anything already noted as reappearing, he always immediately wrote, as if for fear that if he didn't he would miss something; and also that he might be able to say to himself from time to time, "She knows it *now*, even while I worry." It was a great comfort to him, in general, not to have left past things to be dragged to light and explained; not to have to produce at so late a stage anything not produced, or anything even veiled and attenuated, at the moment. She knew it now: that was what he said to himself to-night in relation to the fresh fact of Chad's acquaintance with the two ladies—not to speak of the fresher one of his own. Mrs. Newsome knew, in other words, that very night at Woollett, that he himself knew Mme. de Vionnet, and that he had been, conscientiously, to see her; also that he had found her remarkably attractive and that there would probably be a good deal more to tell. But she further knew—or would know very soon — that, again conscientiously, he had not repeated his visit; and that when Chad had asked him on the Countess's behalf—Strether made her out vividly, with a thought at the back of his head, a Countess—if he wouldn't name a day for dining with her, he had replied lucidly: "Thank you very much—impossible." He had begged the young man would present his excuses, and had trusted him to understand that it couldn't really strike one as quite the straight thing. He had not reported to Mrs. Newsome that he had promised to "save" Mme. de Vionnet; but, so far as he was concerned with that reminiscence, he hadn't, at any rate, promised to haunt her house. What Chad had understood could only, in truth, be inferred from Chad's behavior, which had been in this connection as easy as in every other. He was easy, always, when he understood; he was easier still, if possible, when he didn't; he had replied that he would make it all right; and he had proceeded to do this by substituting the present occasion—as he was ready to substitute others—for any, for every occasion as to which his old friend should have a funny scruple.

"Oh, but I'm not a little foreign girl; I'm just as English as I

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can be," Jeanne de Vionnet had said to him as soon as, in the *petit salon,* he sank, shyly enough on his own side, into the place, near her, vacated by Mme. Gloriani at his approach. Mme. Gloriani, who was in black velvet, with white lace and powdered hair, and whose somewhat massive majesty melted, at any contact, into the graciousness of some incomprehensible tongue, moved away to make room for the vague gentleman, after benevolent greetings to him which embodied, as he believed, in baffling accents, some recognition of his face from a couple of Sundays before. Then he had remarked—making the most of the advantage of his years—that it frightened him quite enough to find himself dedicated to the entertainment of a little foreign girl. There were girls he wasn't afraid of—he was quite bold with little Americans. Thus it was that she had defended herself to the end—"Oh, but I'm almost American too. That's what mamma has wanted me to be—I mean *like* that; for she has wanted me to have lots of freedom. She has known such good results from it."

She was fairly beautiful to him—a faint pastel in an oval frame: he thought of her already as of some lurking image in a long gallery, the portrait of a small old-time princess of whom nothing was known but that she had died young. Little Jeanne wasn't, doubtless, to die young, but one couldn't, all the same, bear on her lightly enough. It was bearing hard, it was bearing as *he,* in any case, wouldn't bear, to concern himself, in relation to her, with the question of a young man. Odious, really, the question of a young man; one didn't treat such a person as a maidservant suspected of a "follower." And then young men, young men—well, the thing was their business simply, or was, at all events, hers. She was fluttered, fairly fevered—to the point of a little glitter that came and went in her eyes and a pair of pink spots that stayed in her cheeks—with the great adventure of dining out and with the greater one still, possibly, of finding a gentleman whom she must think of as very, very old, a gentleman with eye-glasses, wrinkles, a long, grizzled mustache. She spoke the prettiest English, our friend thought, that he had ever heard spoken, just as he had thought her a few minutes before to be speaking the prettiest French. He wondered almost wistfully if such a sweep of the lyre didn't react on the spirit itself; and his fancy had, in fact, before he knew it, begun so to stray and embroider that he finally found himself, absent and extravagant, sitting with the child in a friendly silence. Only, by this time, he felt that her flutter had fortunately dropped and that she was more at her ease. She trusted him, liked him, and it was to come back to him afterwards that she had told him things. She had dipped into the waiting medium at last and found neither surge nor chill—nothing but the small splash she could herself make in the pleasant warmth, nothing but the safety of dipping and dipping again. At the end of the ten minutes he was to spend with her, his impression—with all it had thrown off and

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all it had taken in—was complete. She had been free, as she knew freedom, partly to show him, that, unlike other little persons she knew, she had imbibed that ideal. She was delightfully quaint about herself, but the vision of what she had imbibed was what most held him. It really consisted, he was soon enough to feel, in just one great little matter, the fact that, whatever her nature, she was thoroughly—he had to cast about for the word, but it came—bred. He couldn't of course, on so short an acquaintance, speak for her nature, but the idea of breeding was what she had meanwhile dropped into his mind. He had never yet known it so sharply presented. Her mother gave it, no doubt; but her mother, to make that less sensible, gave so much else besides, and on neither of the two previous occasions, extraordinary woman, Strether felt, anything like what she was giving to-night. Little Jeanne was a case, an exquisite case of education; whereas the Countess, whom it so amused him to think of by that denomination, was a case, also exquisite, of—well, he didn't know what.

"He has wonderful taste, our young friend;" this was what Gloriani said to him on turning away from the inspection of a small picture suspended near the door of the room. The high celebrity in question had just come in, apparently in search of Mlle. de Vionnet, but while Strether had got up from beside her their fellow-guest, with his eye sharply caught, had paused for a long look. The thing was a landscape, of no size, but of the French school, as our friend was glad to feel he knew, and also of a quality—which he liked to think he should have also guessed; its frame was large out of proportion to the canvas, and he had never seen a person look at anything, he thought, just as Gloriani, with his nose very near and quick movements of the head from side to side and bottom to top, examined this feature of Chad's collection. The artist used that word the next moment, smiling courteously, wiping his nippers and looking round him further—paying the place, in short, by the very manner of his presence and by something Strether fancied he could make out in this particular glance, such a tribute as, to the latter's sense, settled many things once for all. Strether was conscious at this instant, for that matter, as he had not yet been, of how, round about him, quite without him, they *were* consistently settled. Gloriani's smile, deeply Italian, he considered, and finely inscrutable, had had for him, during dinner, at which they were not neighbors, an indefinite greeting, but the quality in it was gone that had appeared on the other occasion to turn him inside out; it was as if even the momentary link supplied by the doubt between them had snapped. He was conscious now of the final reality, which was that there was not so much a doubt as a difference altogether; all the more that over the difference the famous sculptor seemed to signal almost condolingly, yet oh how vacantly! as across some great flat sheet of water. He threw out the bridge of a charming hollow civility on which Strether wouldn't have trusted his own full

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weight a moment. That idea, even though but transient and perhaps belated, had performed the office of putting Strether more at his ease, and the blurred picture had already dropped—dropped with the sound of something else said and with his becoming aware, by another quick turn, that Gloriani was now on the sofa talking with Jeanne, while he himself had in his ears again the familiar friendliness and the elusive meaning of the "Oh, oh, oh!" that had made him, a fortnight before, challenge Miss Barrace in vain. She had always the air, this picturesque and original lady, who struck him, so oddly, as both antique and modern—she had always the air of taking up some joke that one had already had out with her. The point itself, no doubt, was what was antique, and the use she made of it what was modern. He felt just now that her good-natured irony did bear on something, and it troubled him a little that she wouldn't be more explicit, only assuring him, with the pleasure of observation so visible in her, that she wouldn't tell him more for the world. He could take refuge but in asking her what she had done with Waymarsh, though it must be added that he felt himself a little on the way to a clue after she had answered that this personage was, in the other room, engaged in conversation with Mme. de Vionnet. He stared a moment at the image of this conjunction; then, for Miss Barrace's benefit, he wondered. "Is she too then under the charm—?"

"No, not a bit"—Miss Barrace was prompt. "She makes nothing of him; she's bored; she won't help you with him."

"Oh," Strether laughed, "she can't do everything."

"Of course not—wonderful as she is. Besides, he makes nothing of *her*. She won't take him from me—though she wouldn't, no doubt, having other affairs in hand, even if she could. I've never," said Miss Barrace, "seen her fail with any one before. And to-night, when she's so magnificent, it would seem to her strange—if she minded. So, at any rate, I have him all. *Je suis tranquille!*"

Strether understood, so far as that went; but he was feeling for his clue. "She strikes you to-night as particularly magnificent?"

"Surely. Almost as I've never seen her. Doesn't she you? Why, it's *for* you."

He persisted in his candor. "'For' me—?"

"Oh, oh, oh!" cried Miss Barrace, who persisted in the opposite of that quality.

"Well," he acutely admitted, "she *is* different. She's gay."

"She's gay!" Miss Barrace laughed. "And she has beautiful shoulders—though there's nothing different in that."

"No," said Strether, "one was sure of her shoulders. It isn't her shoulders."

His companion, with renewed mirth and the finest sense, between the puffs of her cigarette, of the drollery of things, appeared to find their conversation highly delightful. "Yes, it isn't her shoulders."

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"What then is it?" Strether earnestly inquired.

"Why, it's *she*—simply. It's her mood. It's her charm."

"Of course it's her charm, but we're speaking of the difference."

"Well," Miss Barrace explained, "she's just brilliant, as we used to say. That's all. She's various. She's fifty women."

"Ah, but only one"—Strether kept it clear—"at a time."

"Perhaps. But in fifty times—!"

"Oh, we sha'n't come to that," our friend declared; and the next moment he had moved in another direction. "Will you answer me a plain question? Will she ever divorce?"

Miss Barrace looked at him through all her tortoise-shell. "Why should she?"

It was not what he had asked for, he signified; but he met it well enough. "To marry Chad."

"Why should she marry Chad?"

"Because I'm convinced she's very fond of him. She has done wonders for him."

"Well then, how could she do more? Marrying a man, or a woman either," Miss Barrace sagely went on, "is never the wonder, for any Jack and Jill can bring *that* off. The wonder is their doing such things without marrying."

Strether considered a moment this proposition. "You mean it's so beautiful for our friends simply to go on so?"

But whatever he said made her laugh. "Beautiful."

He nevertheless insisted. "And *that* because it's disinterested?"

She was now, however, suddenly tired of the question. "Yes, then—call it that. Besides, she'll never divorce. Don't, moreover," she added, "believe everything you hear about her husband."

"He's not then," Strether asked, "a wretch?"

"Oh yes. But charming."

"Do you know him?"

"I've met him. He's *bien aimable*."

"To every one but his wife?"

"Oh, for all I know, to her too—to any, to every woman. I hope you at any rate," she pursued with a quick change, "appreciate the care I take of Mr. Waymarsh."

"Oh, immensely." But Strether was not yet in line. "At all events," he roundly brought out, "the attachment's an innocent one."

"Mine and his? Ah," she laughed, "don't rob it of *all* romance!"

"I mean our friend's here—to the lady we've been speaking of." That was what he had settled to as an indirect, but none the less closely involved, consequence of his impression of Jeanne. That was where he meant to stay. "It's innocent," he repeated—"I see the whole thing."

Mystified by his abrupt declaration, she had glanced over at Gloriani as at the unnamed subject of his allusion, but the next moment she had understood; though indeed not before Strether

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had noticed her momentary mistake and wondered what might possibly be behind that too. He already knew that the sculptor admired Mme. de Vionnet; but did this admiration also represent an attachment of which the innocence was discussable? He was moving verily in a strange air and on ground not of the firmest. He looked hard for an instant at Miss Barrace, but she had already gone on. "All right with Mr. Newsome? Why, of course she is!"—and she got gayly back to the question of her own good friend. "I dare say you're surprised that I'm not worn out with all I see—it being so much!—of Sitting Bull. But I'm not, you know—I don't mind him; I bear up, and we get on beautifully. I'm very strange; I'm like that; and often I can't explain. There are people who are supposed interesting or remarkable or whatever, and who bore me to death; and then there are others as to whom nobody can understand what anybody sees in them—in whom I see, in short, all sorts of things." Then after she had smoked a moment, "He's touching, you know," she said.

"'Know'?" Strether echoed—"don't I, indeed? We must move you almost to tears."

"Oh, but I don't mean *you!*" she laughed.

"You ought to then, for the worst sign of all—as I must have it for you—is that you can't help me. That's when a woman pities."

"Ah, but I do help you!" she cheerfully insisted.

Again he looked at her hard, and then, after a pause: "No, you don't!"

Her tortoise-shell, on its long chain, rattled down. "I help you with Sitting Bull. That's a good deal."

"Oh that, yes." But Strether hesitated. "Do you mean he talks of me?"

"So that I have to defend you? No, never."

"I see," Strether mused. "It's too deep."

"That's his only fault," she returned—"that everything, with him, is too deep. He has depths of silence—which he breaks only at the longest intervals by a remark. And when the remark comes it's always something he has seen or felt for himself—never a bit *banal*. *That* would be what one might have feared and what would kill me. But never." She smoked again as she thus, with amused complacency, appreciated her acquisition. "And never about you. We keep clear of you. We're wonderful. But I'll tell you what he does do," she continued: "he tries to make me presents."

"Presents?" poor Strether echoed, conscious with a pang that *he* had not yet tried that in any quarter.

"Why, you see," she explained, "he's as fine as ever in the victoria; so that when I leave him, as I often do almost for hours—he likes it so—at the doors of shops, the sight of him there helps me, when I come out, to know my carriage, from afar, in the rank. But sometimes, for a change, he goes with me into the shops, and then I've all I can do to prevent his buying me things."

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"He wants to 'treat' you?" Strether almost gasped at all he himself hadn't thought of. He had a sense of admiration. "Oh, he's much more in the real tradition than I. Yes," he mused; "it's the sacred rage."

"The sacred rage, exactly!"—and Miss Barrace, who had not before heard this term applied, recognized its bearing with a clap of her gemmed hands. "Now I do know why he's not *banal*. But I do prevent him all the same—and if you saw what he sometimes selects—from buying. I save him hundreds and hundreds. I only take flowers."

"Flowers?" Strether echoed again with a rueful reflection. How many nosegays had her present interlocutor sent?

"Innocent flowers," she pursued, "as much as he likes. And he sends me splendors; he knows all the best places—he found them for himself; he's wonderful."

"He hasn't told them to *me*," her friend smiled; "he has a life of his own." But Strether had swung back to the consciousness that, for himself, after all, it never would have done. Waymarsh had not Mrs. Waymarsh in the least to consider, whereas Lambert Strether had constantly, in the inmost honor of his thoughts, to consider Mrs. Newsome. He liked moreover to feel how much his friend was in the real tradition. Yet he had his conclusion. "*What* a rage it is!" He had worked it out. "It's an opposition."

She followed, but at a distance. "That's what I feel. Yet to what?"

"Well, he thinks, you know, that *I've* a life of my own. And I haven't!"

"You haven't?" She showed doubt, and her laugh confirmed it. "Oh, oh, oh!"

"No—not of my own. I seem to have a life only for other people."

"Ah, for them and *with* them! Just now, for instance, with—"

"Well, with whom?" he asked before she had had time to say.

His tone had the effect of making her hesitate and even, as he guessed, speak with a difference. "Say with Miss Gostrey. What do you do for *her*?"

It really made him wonder. "Nothing at all!"

XV.

Mme. de Vionnet, having meanwhile come in, was at present close to them, and Miss Barrace hereupon, instead of risking a rejoinder, became again, with a look that measured her from top to toe, all mere long-handled appreciative tortoise-shell. She had struck our friend, from the first of her appearing, as dressed for a great occasion, and she met still more than on either of the others the conception reawakened in him at their garden-party, the idea of the *femme du monde* in her habit as she lived. Her bare shoulders and arms were white and beautiful; the materials of her dress,

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a mixture, as he supposed, of silk and crape, were of a silvery gray so artfully composed as to give an impression of warm splendor; and round her neck she wore a collar of large old emeralds, the green note of which was more dimly repeated, at other points of her apparel, in embroidery, in enamel, in satin, in substances and textures vaguely rich. Her head, extremely fair and exquisitely festal, was like a happy fancy, a notion of the antique, on an old, precious medal, some silver coin of the Renaissance; while her slim lightness and brightness, her gayety, her expression, her decision, contributed to an effect that might have been felt by a poet as half mythological and half conventional. He could have compared her to a goddess still partly engaged in a morning cloud or a sea-nymph waist-high in the summer surge. Above all, she suggested to him the reflection that the *femme du monde*—in these finest developments of the type—was, like Cleopatra in the play, indeed various and multifold. She had aspects, characters, days, nights—or had them at least, showed them by a mysterious law of her own, when in addition to everything she happened also to be a woman of genius. She was an obscure person, a muffled person, one day; and a showy person, an uncovered person the next. He thought of Mme. de Vionnet to-night as showy and uncovered, though he felt the roughness of the formula, because, by one of the short-cuts of genius, she had taken all his categories by surprise. Twice during dinner he had met Chad's eyes in a longish look; but these communications had in truth only stirred up again old ambiguities—so little was it clear from them whether they were an appeal or an admonition. "You see how I'm fixed" was what they appeared to convey; yet how he was fixed was exactly what Strether didn't see. However, perhaps he should see now.

"Are you capable of the very great kindness of going to relieve Newsome, for a few minutes, of the rather crushing responsibility of Mme. Gloriani, while I say a word, if he'll allow me, to Mr. Strether, of whom I've a question to ask? Our host ought to talk a bit to those other ladies, and I'll come back in a minute to your rescue." She made this proposal to Miss Barrace as if her consciousness of a special duty had just flickered up, but that lady's recognition of Strether's little start at it—as at a betrayal on the speaker's part of a domesticated state—was as mute as his own comment; and after an instant, when the spinster had good-naturedly left them, he had been given something else to think of. "Why has Maria so suddenly gone? Do you know?" That was the question Mme. de Vionnet had brought with her.

"I'm afraid I've no reason to give you but the simple reason I've had from her in a note—the sudden obligation to join, in the south, a sick friend who has got worse."

"Ah, then she has been writing you?"

"Not since she went—I had only a brief explanatory word before she started. I went to see her," Strether explained—"it was

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the day after I called on you—but she was already on her way, and her concierge told me that in case of my coming I was to be informed she had written to me. I found her note when I got home."

Mme. de Vionnet listened with interest and with her eyes on Strether's face; then her delicately-decorated head had a small melancholy motion. "She didn't write to *me*. I went to see her," she added, "almost immediately after I had seen you, and as I assured her I would do when I met her at Gloriani's. She hadn't then told me she was to be absent, and I felt, at her door, as if I understood. She's absent — with all respect to her sick friend, though I know indeed she has plenty—so that I may not see her. She doesn't want to meet me again. Well," she continued with a beautiful conscious mildness, "I liked and admired her beyond every one in the old time, and she knew it—perhaps that's precisely what has made her go — and I dare say I haven't lost her forever." Strether still said nothing; he had a horror, as he now thought of himself, of being in question between women—was in fact already quite enough on his way to that; and there was moreover, as it came to him, perceptibly, something behind these allusions and professions that, should he take it in, would square but ill with his present resolve to simplify. It was as if, for him, all the same, her softness and sadness were sincere. He felt that not less when she soon went on: "I'm extremely glad of her happiness." But it also left him mute—sharp and fine though the imputation it conveyed. What it conveyed was that *he* was Maria Gostrey's happiness, and for the least little instant he had the impulse to challenge the thought. He could have done so, however, only by saying "What then do you suppose to be between us?" and he was wonderfully glad a moment later not to have spoken. He would rather seem stupid any day than fatuous, and he drew back, as well, with a smothered inward shudder, from the consideration of what women—of highly-developed type in particular—might think of each other. Whatever he had come out for, he had not come to go into that; so that he absolutely took up nothing his interlocutress had now let drop. Yet, though he had kept away from her for days, had laid wholly on herself the burden of their meeting again, she had not a gleam of irritation to show him. "Well, about Jeanne now?" she smiled —it had the gayety with which she had originally come in. He felt it, on the instant, to have been, for her, her real errand. But he had been schooling her, of a truth, to say much in proportion to his little. "*Do* you make out that she has a sentiment? I mean for Mr. Newsome."

Almost resentful, Strether could at last be prompt. "How can I make out such things?"

She remained perfectly good-natured. "Ah, but they're beautiful little things, and you make out—don't pretend!—everything in the world. Haven't you," she asked, "been talking with her?"

"Yes, but not about Chad. At least not much."

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"Oh, you don't require 'much'!" she reassuringly declared. But she immediately changed her ground. "I hope you remember your promise of the other day."

"To 'save' you, as you called it?"

"I call it so still. You *will?*" she insisted. "You haven't repented?"

He hesitated. "No—but I've been thinking what I meant."

She wondered. "And not, a little, what *I* did?"

"No—that's not necessary. It will be enough if I know what I meant myself."

"And don't you know," she asked, "by this time?"

Again he had a pause. "I think you ought to leave it to me. But how long," he added, "do you give me?"

"It seems to me much more a question of how long you give *me*. Doesn't our friend here himself, at any rate," she went on, "perpetually make me present to you?"

"Not," Strether replied, "by ever speaking of you to me."

"He never does that?"

"Never."

She considered, and, if the fact was disconcerting to her, effectually concealed it. The next minute indeed she had recovered. "No, he wouldn't. But do you *need* that?"

Her emphasis was wonderful, and though his eyes had been wandering he looked at her longer now. "I see what you mean."

"Of course you see what I mean."

Her triumph was gentle, and she really had tones to make justice weep. "I've before me what he owes you."

"Admit, then, that that's something," she said, yet still with the same discretion in her pride.

He took in this note, but he went straight on. "You've made of him what I see, but what I don't see is how in the world you've done it."

"Ah, that's another question!" she smiled. "The point is of what use is it your declining to know me when to know Mr. Newsome—as you do me the honor to find him—*is* just to know me."

"I see," he mused, still with his eyes on her. "I shouldn't have met you to-night."

She raised and dropped her linked hands. "It doesn't matter. If I trust you, why can't you a little trust me too? And why can't you also," she asked in another tone, "trust yourself?" But she gave him no time to reply. "Oh, I shall be so easy for you! And I'm glad, at any rate, you've seen my child."

"I'm glad too," he said; "but she does you no good."

"No good?"—Mme. de Vionnet had a clear stare. "Why, she's an angel of light."

"That's precisely the reason. Leave her alone. Don't try to find out. I mean," he explained, "about what you spoke to me of—the way she feels."

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His companion wondered. "Because one really won't?"

"Well, because I ask you, as a favor to myself, not to. She's the most charming young girl I've ever seen. Therefore don't touch her. Don't know—don't want to know. And moreover—yes—you *won't*."

It was an appeal, of a sudden, and she took it in. "As a favor to you?"

"Well—since you ask me."

"Anything, everything you ask," she smiled. "I sha'n't know then—never. Thank you," she added with peculiar gentleness as she turned away.

The sound of it lingered with him, making him fairly feel as if he had been tripped up and had a fall. In the very act of arranging with her for his independence he had, under pressure from a particular perception, inconsistently, quite stupidly, committed himself, and, with her subtlety sensitive, on the spot, to an advantage, she had driven in, by a single word, a little golden nail, the sharp intention of which he signally felt. He had not detached, he had more closely connected himself, and his eyes, as he considered, with some intensity, this circumstance, met another pair which had just come within their range and which struck him as reflecting his sense of what he had done. He recognized them at the same moment as those of little Bilham, who had apparently drawn near on purpose to speak to him, and little Bilham was not, in the conditions, the person to whom his heart would be most closed. They were seated together, a minute later, at the angle of the room obliquely opposite the corner in which Gloriani was still engaged with Jeanne de Vionnet, to whom, at first, and in silence, their attention had been benevolently given. "I can't see for my life," Strether had then observed, "how a young fellow of any spirit—such a one as you, for instance—can be admitted to the sight of that young lady without being hard hit. Why don't you go in, little Bilham?" He remembered the tone into which he had been betrayed on the garden-bench at the sculptor's reception, and this might make up for that by being much more the right sort of thing to say to a young man worthy of any advice at all. "There *would* be some reason."

"Some reason for what?"

"Why, for hanging on here."

"To offer my hand and fortune to Mlle. de Vionnet?"

"Well," Strether asked, "to what lovelier apparition *could* you offer them? She's the sweetest little thing I've ever seen."

"She's certainly immense. I mean she's the real thing. I believe the pale pink petals are folded up there for some wondrous efflorescence in time—to open, that is, to some great golden sun. *I'm* unfortunately but a small farthing candle. What chance, in such a field, for a poor little artist-man?"

"Oh, you're good enough," Strether threw out.

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"Certainly, I'm good enough. We're good enough, I consider, *nous autres,* for anything. But she's *too* good. There's the difference. They wouldn't look at me."

Strether, lounging on his divan and still charmed by the young girl, whose eyes had consciously strayed to him, he fancied, with a vague smile—Strether, enjoying the whole occasion as with dormant pulses at last awake and in spite of new material thrust upon him, thought over his companion's words. "Whom do you mean by 'they'? She and her mother?"

"She and her mother. And she has a father too, who, whatever else he may be, can't, certainly, be indifferent to the possibilities she represents. Besides, there's Chad."

Strether was silent a little. "Ah, but he doesn't care for her—not, I mean, it appears, after all, in the sense I'm speaking of. He's *not* in love with her."

"No—but he's her best friend; after her mother. He's very fond of her. He has his ideas about what can be done for her."

"Well, it's very strange!" Strether presently remarked with a sighing sense of fulness.

"Very strange indeed. That's just the beauty of it. Isn't it very much the kind of beauty you had in mind," little Bilham went on, "when you were so wonderful and so inspiring to me the other day? Didn't you adjure me—in accents I shall never forget—to see, while I've a chance, everything I can?—and *really* to see, for it must have been that only that you meant. Well, you did me no end of good, and I'm doing my best. I *do* make it out as a situation."

"So do I!" Strether went on after a moment. But he had the next minute an inconsequent question. "How comes Chad so mixed up, anyway?"

"Ah, ah, ah!"—and little Bilham fell back on his cushions.

It reminded our friend of Miss Barrace, and he felt again the brush of his sense of moving in a maze of mystic, closed allusions. Yet he kept hold of his thread. "Of course I understand really; only the general transformation makes me occasionally gasp. Chad with such a voice in the settlement of the future of a little countess—no," he declared, "it takes more time! You say, moreover," he resumed, "that we're inevitably, people like you and me, out of the running. The curious fact remains that Chad himself isn't. The situation doesn't make for it, but in a different one he could have her if he would."

"Yes, but that's only because he's rich and because there's a possibility of his being richer. They won't think of anything but a great name or a great fortune."

"Well," said Strether, "*he'll* have no great fortune on these lines. He must stir his stumps."

"Is that," little Bilham inquired, "what you were saying to Mme. de Vionnet?"

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"No—I don't say much to her. Of course, however," Strether continued, "he can make sacrifices if he likes."

Little Bilham had a pause. "Oh, he's not keen for sacrifices; or thinks, that is, possibly, that he has made enough."

"Well, it *is* virtuous," his companion observed with decision.

"That's exactly," the young man dropped after a moment, "what I mean."

It kept Strether himself silent a little. "I've made it out for myself," he then went on; "I've really, within the last half-hour, got hold of it. I understand it, in short, at last; which at first—when you originally spoke to me—I didn't. Nor when Chad originally spoke to me either."

"Oh," said little Bilham, "I don't think that at that time you believed me."

"Yes—I did; and I believe Chad too. It would have been odious and unmannerly—as well as quite perverse—if I hadn't. What interest have you in deceiving me?"

The young man hesitated. "What interest have *I*?"

"Yes. Chad *might* have. But you?"

"Ah, ah, ah!" little Bilham exclaimed.

It might, on repetition, as a mystification, have irritated our friend a little; but he knew, once more, as we have seen, where he was, and his being proof against everything was only another attestation that he meant to stay there. "I couldn't, without my own impression, realize. She's a tremendously clever, brilliant, capable woman, and with an extraordinary charm on top of it all—the charm we surely, all of us this evening, know what to think of. It isn't every clever, brilliant, capable woman that has it. In fact it's rare with any woman. So there you are," Strether proceeded as if not for little Bilham's benefit alone. "I understand what a relation with such a woman—what such a high, fine friendship—may be. It can't be vulgar or coarse, anyway—and that's the point."

"Yes, that's the point," said little Bilham. "It can't be vulgar or coarse. And, bless us and save us, it *isn't!* It's, upon my word, the very finest thing I ever saw in my life, and the most distinguished."

Strether, from beside him, and leaning back with him as he leaned, dropped on him a momentary look which filled a short interval and of which he took no notice. He only gazed before him with intent participation. "Of course what it has done for him," Strether, at all events, presently pursued, "of course what it has done for him—that is as to *how* it has so wonderfully worked—is not a thing I pretend to understand. I've to take it as I find it. There he is."

"There he is!" little Bilham echoed. "And it's really and truly she. I don't understand either, even with my longer and closer opportunity. But I'm like you," he added; "I can admire and re-

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joice even when I'm a little in the dark. You see I've watched it for some three years, and especially for this last. He wasn't so bad before it as I seem to have made out that you think—"

"Oh, I don't think anything now!" Strether impatiently broke in: "that is but what I *do* think! I mean that, originally, for her to have cared for him—"

"There must have been stuff in him. Oh yes, there was stuff indeed, and much more of it than ever showed, I dare say, at home. Still, you know," the young man in all fairness developed, "there was room for her, and that's where she came in. She saw her chance, and she took it. That's what strikes me as having been so fine. But of course he liked her first."

"Naturally," said Strether.

"I mean that they first met somehow and somewhere—I believe in some American house—and she, without in the least then intending it, made her impression. Then, with time and opportunity, he made his; and after *that* she was as bad as he."

Strether vaguely took it up. "As 'bad'?"

"She began, that is, to care—to care very much. Alone, and in her horrid position, she found it, when once she had started, an interest. It was, it is, an interest; and it did—it continues to do—a lot for herself as well. So she still cares. She cares in fact," said little Bilham thoughtfully, "more."

Strether's theory that it was none of his business was somehow not damaged by the way he took it in. "More, you mean, than he?" On this his companion looked round at him, and now, for an instant, their eyes met. "More than he?" he repeated.

Little Bilham, for as long, hung fire. "Will you never tell any one?"

Strether thought. "Whom should I tell?"

"Why, I supposed you reported regularly—"

"To people at home?"—Strether took him up. "Well, I won't tell them this."

The young man at last looked away. "Then she does now care more than he."

"Oh!" Strether oddly exclaimed.

But his companion immediately met it. "Haven't you, after all, had your impression of it? That's how you've got hold of him."

"Ah, but I haven't got hold of him!"

"Oh, I say!" But it was all little Bilham said.

"It's at any rate none of my business. I mean," Strether explained, "nothing else than getting hold of him is." It appeared, however, to strike him as his business to add: "The fact remains, nevertheless, that she has saved him."

Little Bilham just waited. "I thought that was what *you* were to do."

But Strether had his answer ready. "I'm speaking—in connection with her—of his manners and morals, his character and life.

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I'm speaking of him as a person to deal with and talk with and live with—speaking of him as a social animal."

"And isn't it as a social animal that you also want him?"

"Certainly; so that it's as if she had saved him *for* us."

"It strikes you accordingly then," the young man threw out, "as for you all to save *her?*"

"Oh, for us 'all'—!" Strether could but laugh at that. It brought him back, however, to the point he had really wished to make. "They've accepted their situation—hard as it is. They're not free—at least she's not; but they take what's left to them. It's a friendship, of a beautiful sort; and that's what makes them so strong. They're straight, they feel; and they keep each other up. It's doubtless she, however, who, as you yourself have hinted, feels it most."

Little Bilham appeared to wonder what he had hinted. "Feels most that they're straight?"

"Well, feels that *she* is, and the strength that comes from it. She keeps *him* up—she keeps the whole thing up. When people are able to, it's fine. She's wonderful, wonderful, as Miss Barrace says; and he is, in his way, too; however, as a mere man, he may sometimes rebel and not feel that he finds his account in it. She has simply given him an immense moral lift, and what that can explain is prodigious. That's why I speak of it as a situation. It *is* one, if there ever was." And Strether, with his head back and his eyes on the ceiling, seemed to lose himself in the vision of it.

His companion attended deeply. "You state it much better than I could."

"Oh, you see, it doesn't concern you."

Little Bilham considered. "I thought you said just now that it doesn't concern you either."

"Well, it doesn't, a bit, as Mme. de Vionnet's affair. But, as we were saying just now, what did I come out for but to save him?"

"Yes—to remove him."

"To save him *by* removal; to win him over to *himself* thinking it best he shall take up business—thinking he must immediately do, therefore, what is necessary to that end."

"Well," said little Bilham after a moment, "you *have* won him over. He does think it best. He has within a day or two again said to me as much."

"And that," Strether asked, "is why you consider that he cares less than she?"

"Cares less for her than she for him? Yes, that's one of the reasons. But other things too have given me the impression. A man, don't you think?" little Bilham presently pursued, "*can't,* in such conditions, care so much as a woman. It takes different conditions to make him, and then perhaps he cares more. Chad," he wound up, "has his possible future before him."

"Are you speaking of his business-future?"

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"No—on the contrary; of the other, the future of what you so justly call their situation. M. de Vionnet may live forever."

"So that they can't marry?"

The young man just hesitated. "Not being able to marry is all they've with any confidence to look forward to. A woman—a particular woman—may stand that strain; but can a man?"

Strether's answer was as prompt as if he had already, for himself, worked it out. "Not without a very high ideal of conduct. But that's just what we're attributing to Chad. And how, for that matter," he mused, "does his going to America diminish the particular strain? Wouldn't it seem rather to add to it?"

"Out of sight, out of mind!" his companion laughed. Then more bravely: "Wouldn't distance lessen the torment?" But before Strether could reply, "The thing is, you see, Chad ought to marry!" he exclaimed.

Strether, for a little, appeared to think of it. "If you talk of torments, you don't diminish mine!" he then broke out. The next moment he was on his feet with a question. "He ought to marry whom?"

Little Bilham rose more slowly. "Well, some one he *can*—some thoroughly nice girl."

Strether's eyes, as they stood together, turned again to Jeanne. "Do you mean *her*?"

His friend made a sudden strange face. "After being in love with her mother? No."

"But isn't it exactly your idea that he *isn't* in love with her mother?"

His friend once more had a pause. "Well, he isn't, at any rate, with Jeanne."

"I dare say not."

"How *can* he be with any other woman?"

"Oh, that I admit. But being in love isn't, you know, here"—little Bilham spoke in friendly reminder—"thought necessary, in strictness, for marriage."

"And what torment—to call a torment—can there ever possibly be with a woman like that?" As if from the interest of his own question, Strether had gone on without hearing. "Is it for her to have turned a man out so wonderfully, too, only for somebody else?" He appeared to make a point of this, and little Bilham looked at him now. "When it's for each other that people give things up they don't miss them." Then he threw off as with an extravagance of which he was conscious: "Let them face the future together!"

"You mean that, after all, he shouldn't go back?"

"I mean that if he gives her up—!"

"Yes?"

"Well, he ought to be ashamed of himself." But Strether spoke with a sound that might have passed for a laugh.

(To be continued.)

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